

Report of the Court Monitor

Progress on the Interim Settlement Agreement United States v. State of Rhode Island and the City of Providence

United States District Court District of Rhode Island
Civil Action No. 13-442L
June 13, 2013 as Modified July 11, 2014

Period of Review: July 1, 2014 – December 31, 2014

Respectfully Submitted

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Issued March 31, 2015
Revised April 1, 2015

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I. Executive Summary

The Interim Settlement Agreement (ISA) between the United States and the State of Rhode Island and the City of Providence brought about significant changes in the lives of adults with intellectual and developmental disabilities receiving publicly financed services and youth with intellectual and developmental disabilities receiving education and transition supports from the City of Providence. The sheltered workshops operated by the Mount Pleasant High School (Birch) and a developmental disabilities provider organization, Training Through Placement (TTP), have been closed. New community based, integrated, employment, individual support and day service options are being furnished to youth and adults in the Target Populations who attended those programs and no individuals were transferred to segregated institutional or vocational settings. It is important to note that the closure of the two sheltered facilities was not specifically required by the ISA. The decision was made by the State and the City of Providence following their determination that services and supports furnished to individuals with intellectual and developmental disabilities by each program were substandard, exploitive and in violation of State and Federal law, departmental and City regulations.

The changes at Mount Pleasant High School in Providence have been significant. Following the closure of the workshop program students with intellectual and developmental disabilities (IDD) in the Protected Class began participating in general education classes, consistent with their individual education plans, and are now receiving supported employment services, assessments and trial work experiences in integrated employment settings that were not available before the signing of the Settlement Agreement. State agency staff from the Office of Rehabilitative Services (ORS), Behavioral Health Developmental Disabilities and Hospitals (BHDDH), and the Rhode Island Department of Education (RIDE) now regularly meet with their counterparts from the Providence Public Schools Department (PPSD) to ensure each student receives the services and supports that he or she needs to successfully transition from school to integrated employment with the full support of the adult service system. Comprehensive planning, program oversight, and regularly scheduled person-centered reviews are completed to ensure each member of the protected class has access to the tools and supports needed to become fully employed in integrated jobs and businesses. Significantly, these efforts extend to students who left school prior to negotiation of the ISA, as far back as 2010. In each case, individuals are identified, located and contacted through affirmative outreach efforts to determine their interest in receiving supported employment services, vocational evaluations, trial work experiences and other supports that will enable them to enter or re-enter the regular workforce. This “look-back” strategy for identifying special education students who exited school prior to the signing of the Settlement Agreement is unique and demonstrates the commitment of PPSD and the State to achieving the broad goals and objectives of the ISA.

Changes at TTP have been similar. Following the closure of the sheltered workshop the segregated facility-based program was transformed into a community-based model offering an array of flexible supported employment and day services to enable protected class members to access local, integrated competitive employment settings and integrated community based day

supports. Former sheltered workshop members are now employed in regular jobs in both local and national businesses, working alongside co-workers without disabilities at wages based on the same pay scales with access to commensurate benefits and employment conditions.

The State and PPSD have redesigned and developed new policies, practices and regulations to ensure that members of the protected class receive the tools and the supports they need to secure employment and become contributing members of society. Specific changes have led to improvements in career development planning, access to benefits counseling, strengthening the Individual Education Planning process (IEP) for students at Birch and the Individual Support Planning process (ISP) for individuals receiving adult services at TTP. Additional improvements have been made in staff training and qualifications and outreach, education and support, to name a few.

This review found that implementing the terms and conditions of the ISA and achieving the related performance benchmarks has been challenging. State agencies have had to overcome several barriers in their efforts to develop congruent policies and practices that are consistent across the various departments and agencies. Similarly, the State and PPSD have worked hard to establish effective strategies for ensuring youth with IDD receive the supports they need as they transition from school to work and adult services, consistent with the provisions of the ISA. The actions taken by the State and PPSD have led to substantive changes in the lives of Rhode Islanders with IDD. Over the life of the ISA, 85 individuals who never previously experienced integrated employment have now worked in competitive work settings alongside nondisabled co-workers. Of this total, 68 individuals are members of the TTP Target Population and 17 are members of the Birch Exit Population (for details see pages 35 and 36 below).

System change of the nature and extent required by the ISA presents significant challenges to Rhode Island's IDD system, as it would for any state. The shifts in state policy, practice and data management that must be made to successfully accomplish the identified outcomes are comprehensive and necessitate clear and unambiguous leadership, careful planning and strong collaboration both within and across state agencies and departments. This review reveals that while continued work needs to be done in many areas, the State and PPSD have made solid progress toward accomplishing the goals and intended outcomes of the Settlement Agreement. Importantly, State department and agency leaders appointed by the newly elected Governor have clearly communicated their support and commitment to making the changes necessary to fully implement the provisions and requirements of the ISA.

This report provides an overview of the Settlement Agreement terms and provisions, identifies key terms and highlights the systems changes that have taken place over the previous months. Additional sections discuss the role of the Monitor in reviewing the State and PPSD's progress in implementing the many changes and tracking the many outcomes required by the ISA. A chapter summarizing the changes that have taken place at Birch and TTP before and after the Agreement was signed documents the impact of the Agreement on individual receiving support, their families and others. The Findings chapter details the progress the State and PPSD

have made with respect to each of the thirteen operational provisions of the Agreement and identifies actions that the Monitor recommends be taken by the State and PPSD to reach the identified outcomes of the Agreement. The Conclusion provides a summary of the activities that have taken place and key areas to address in the future.

II. Introduction

A. Background

The Interim Settlement Agreement resolves the United States' findings of violations by the State of Rhode Island and the City of Providence of Title II of the Americans with Disabilities Act (ADA) by discriminating against individuals with intellectual and developmental disabilities (IDD) served by two programs, Training Thru Placement (TTP) and the Harold A. Birch Vocational Program (Birch) at Mount Pleasant High School. The Settlement Agreement is designed to remedy findings issued by the U.S. Department of Justice (DOJ) on June 13, 2013 that services provided by TTP and Birch segregated or placed at risk of segregation approximately 200 individuals with IDD across both programs.

The Settlement Agreement is intended to ensure that the State and the City of Providence Public School Department (PPSD) will meet in a timely fashion the requirements of Title II of the ADA 42 U.S.C. § 12131, et seq., as interpreted by the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999) and through the administration and operation of the day activity services system for people with IDD, including employment, vocational, and day services (46-1-14 R.I. Code R. § 43.0). The agreement pertains to services furnished to people with IDD by TTP and Birch, as well as any successor programs to TTP and Birch. Through this Interim Agreement, the Parties make clear their intention to achieve the goal of community integration for all for individuals with IDD being served, identified for referral, or at risk of entering TTP and Birch.

B. Key ISA Terms and Provisions.

Definitions. The ISA covers the delivery of employment services and supports to members of the protected class by the City of Providence and by the State through three departments: Behavioral Health Developmental Disabilities and Hospitals (BHDDH), Rhode Island Department of Education (RIDE), and the Office of Rehabilitation Services (ORS). Key operational terms, service types and activities are defined to ensure consistency in language, meaning and understanding among the many individuals and groups who have a part in carrying out the ISA's objectives (see Section II).

Scope and Target Populations (Section III). Under the terms of the original Interim Settlement Agreement (Section III (A)(1)-(3.) dated June 13, 2013 supported employment services, integrated day services, and/or transition services will be given to the following individuals:

1. *TTP Target Population.* Individuals with IDD who receive day activity or sheltered workshop services at Training Thru Placement or have received services at Training Thru Placement or any successor organization in the previous year;

2. *Birch Transition Target Population.* Individuals with IDD who are transition-age youth currently attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School, and;
3. *Birch Exit Target Population.* Individuals with IDD who are transition age youth attending the Harold A. Birch Vocational Training Program, or any successor program, at Mount Pleasant High School who have exited Birch within the previous two years, or who will exit Birch within one year.

On July 11, 2014 the parties agreed to modify required outcomes related to two provisions of the ISA. The first modification clarified the interpretation of Section III(A)(3) to include in the Birch Exit Target Population transition-age youth with IDD attending the Birch program or any successor program at Mount Pleasant High School who have exited Birch at any point during the 2010-2011, 2011-2012, 2012-2013 or 2013-2014 school years. The second modification changed the dates specified in Section IV(9) of the ISA requiring all individuals in the TTP Target Population and all individuals in the Birch Exit Population to be provided supported employment placements by December 1, 2014.

Provisions. The ISA details required activities, documentation, progress benchmarks and individual and support related outcomes associated with the broad scale systems change actions that are necessary to shift the structure and functioning of the state's IDD service delivery systems away from traditional segregated models to person-centered systems of support in integrated work and community settings. Key provisions address:

- Outcomes (Section IV). The identification of a timeline with specific benchmarks related to key outcomes that the State and the Providence Public Schools agreed to achieve to address the identified ADA violations.
- Supported Employment Services and Placements (Section V). The ISA defines supported employment and the criteria to be used to determine the acceptability of supported employment placements made under the Agreement.
- Integrated Day Services (Section VI). Under the terms of the ISA, the State is obligated to make available to individuals in the TTP and Birch Exit Populations community-based recreational, social, educational, cultural and athletic activities, as well as other non-facility based activities of the person's choosing, in integrated settings during the day with appropriate services and supports.
- Career Development Planning (Section VII). Required policies and procedures regarding the provision of career development planning, integrated within an individualized person-centered planning and service delivery process.

- Transition Planning for Youth (Section VIII). Requirements that the State and PPSD ensure transition planning and related activities occur for youth transitioning from school to work or adult services. This includes the development and adoption of an Employment First Policy supported by an interagency agreement that includes timelines and benchmarks for a school-to-work transition process for protected class members beginning at age 14 years.
- Training (Section IX). Activities that must be completed by the state and PPSD related to the development and implementation of a competency-based and value-based training program for TTP and Birch staff, employment planning teams and youth service professionals
- Outreach, Education and Support (Section X). The development and implementation of an outreach, in-reach and educational program explaining the benefits of supported employment and addressing the concerns of families
- Provider Capacity (Section XI). The steps the State and PPSD must take to ensure a sufficient number of qualified providers and provider agency staff are in place to carry out the objectives and requirements of the ISA. Additional provisions in this section outline incentives that should be implemented to encourage the transition of protected class members to integrated employment.
- State Agency Actions (Section XII). Specific actions the State must take to secure the assistance of a technical assistance provider via contract to furnish leadership, training and technical assistance to employment providers
- Interagency Collaboration (Section XIII). Requirements related to interagency collaboration and the development of meaningful and effective memoranda of understanding between BHDDH, RIDE, ORS and PPSD addressing key areas of mutual or distributed responsibility regarding funding, operational responsibility, quality and other aspects of the ISA.
- Funding (Section XIV). Requirements that the State and PPSD shall ensure that each individual in the target populations receive an ongoing allocation from available funding and budgets that ensure the ability of the individual to improve his or her employment outcomes, be successful on the job and access integrated day services.
- Quality Improvement (Section XV). The steps the state must take to ensure that individual integrated supported employment placements, supported employment and integrated day services are developed and operated in accordance with the ISA. This provision requires the state to develop detailed program standards and conduct on-site reviews

- Data Collection and Reporting (Section XVI). A listing of specific data that must be gathered and reported by the State and PPSD across 17 key outcomes to assess performance and change associated with the full implementation of the agreement.

Final administrative sections of the ISA address monitoring and enforcement (Section XVII), general provisions (Section XVIII), and construction and termination (Section XIX).

C. Overview of Systems Change

The ISA details specific changes that must be made, benchmarks that must be met and new approaches to service delivery that must be implemented to ensure that all protected class members are able to fully access supported employment and receive needed supports in settings and under conditions that are equivalent to those experienced by people without disabilities, consistent with the provisions of Title II of the ADA and the Supreme Court's ruling in *Olmstead*. Accomplishing the goals and objectives of the ISA has required the State and PPSD to make significant changes to be made in the structure and functioning of the systems used by the State and by PPSD to deliver, fund and track employment and day supports. Such shifts in state policy and practice rely on clear leadership, careful planning and strong collaboration both within and across state agencies and departments. PPSD has used a strategic plan and planning process to guide the efforts of administrators and staff to accomplish ISA objectives. Key staff at BHDDH, RIDE, and ORS have actively addressed each of the thirteen operational provisions to assist their respective departments in implementing the changes required under the ISA and improving the lives and the life styles of members of the protected class. The new director of BHDDH has identified the development of a comprehensive strategic plan as a key new initiative at BHDDH to more effectively and efficiently guide the State's efforts to address the provisions of the ISA.

As is described in the Findings section of this report, the State of Rhode Island and the City of Providence took immediate steps to close the two sheltered workshop programs and implement a series of administrative and operational changes to increase individuals' access to supported employment and the services necessary to enable them to participate in meaningful activities in integrated community settings. Such changes required revisions to be made in the nature, scope, and intent of services that had been provided, shifting from rigid facility-based systems that serve to segregate and stigmatize people with disabilities toward flexible individualized funding and support alternatives that enable people receiving support, members of the Target Groups to define the role that the service provider will play in their lives.

Policy change of this nature is difficult; particularly when it must be accomplished in accordance with the legal requirements and schedules. Carrying out the terms of the ISA cannot succeed without the full commitment and backing of the administrators, policymakers, managers and staff who are charged with responsibility for implementation. This commitment has been evident in virtually all of the interactions that the Monitor has had with the State and PPSD regarding the ISA.

III. Monitoring and Enforcement (Section XVII)

The Interim Settlement Agreement describes the duties and responsibilities of the Monitor for evaluating the efforts taken by the State and the City of Providence Public Schools Department to fulfill their obligations under the terms of the Settlement Agreement.

A. Role and Responsibilities of the Monitor

The Monitor is responsible for conducting a factual investigation and verification of data and documentation necessary to determine whether the Parties are progressing toward meeting the provisions of the Interim Agreement on a 180 day cycle continuing during the pendency of the Agreement. The Monitor may hire staff and consultants, in consultation with and subject to reasonable objections by the Parties, including but not limited to the economic efficiency of the Monitor or other budgetary requirements, to assist in his investigations. The Monitor and any hired staff or consultants are neither agents nor business associates of the State, the City of Providence/PPSD, or the United States Department of Justice.

Reviewing and Reporting. The Monitor provides a written report to the Parties regarding the State and PPCSD's progress with the terms of this Interim Agreement every 90 days for the first year and every 180 days thereafter. The report is based primarily on information addressing activities conducted by the State and PPCSD gathered by the Monitor through February 2015. The Parties were furnished with a draft report and provided review and comment to the Monitor for consideration. The final report was issued on March 30, 2015.

Access to Information. Under the terms of the Agreement, the Monitor and hired staff or consultants have full access to the people, places, documents and materials that are necessary to assess the State and City of Providence/PPSD's implementation of the ISA to the extent they are within the State or PPCSD's custody or control. This includes, but is not limited to, access to the data and records maintained by the State and PPCSD pursuant to ISA Section XVI Data Collection and Reporting. The Monitor and any hired staff or consultants may interview individuals receiving services under this Interim Agreement with the consent of the individual or his/her authorized representative. The Monitor's access to people, places, documents and materials shall continue until the Interim Agreement is terminated. Any individually identifiable health, education or personal information that the Monitor and any hired staff or consultants receive or maintain shall be kept strictly confidential. The Monitor has access to any and all:

- Data collected by the State or PPCSD;
- Information necessary to determine that placements, pursuant to the terms of this Interim Agreement, meet the definition and standards set forth in Section V;
- Information necessary to ensure that the Interim Agreement outcomes set forth in Section IV are met; and

- Information necessary to evaluate the quality and quantity of Supported Employment Services provided to persons with IDD under this Interim Agreement.

B. Assessing Progress

Focus and Methodology. This report describes the cumulative efforts of the State and PPSD to meet the terms and conditions of the Settlement Agreement with a focus on the second year of operation from July 1, 2014 to December 31, 2014. In the Spring of 2014, the Parties and the Court agreed to contract with a new Monitor to review, assess and report on the progress of the State and PPSD on implementing the Settlement Agreement. The new Monitor previously had signed an agreement with the State to oversee the State's implementation of the Consent Decree.

During the first year of the Settlement Agreement a significant part of the Monitor's work focused on ensuring that: (a) members of the target populations received the services and supports that were required to be furnished to them under the terms of the agreement, and (b) the State and PPSD made changes in policies and procedures as described by the operational provisions of the ISA. The process involved individual record reviews, meetings with families and advocates, direct observations and discussions of needed actions and activities with the Staff of TTP and Birch and meetings with state agency personnel from BHDDH, RIDE and ORS. The current Monitor's report reviews and evaluates the many objectives that need to be (and have been) accomplished by the State and PPSD with respect to the services and supports offered to target population members within the broader context of state systems change.

The Settlement Agreement requires the State and the City of Providence to take immediate steps to resolve and remediate activities, policies and practices that violate the civil rights of individuals with intellectual and developmental disabilities (IDD) under Title II of the ADA and to achieve specific employment related outcomes for each member of the three identified target class populations. The Agreement extends beyond the individual, however, and requires the State and City of Providence to build the service delivery infrastructure necessary to ensure that the next group of youth transitioning from high school to adult services has access to the full complement of supports necessary for them to live and work in the most integrated settings and workplaces appropriate to their needs and desires.

Early goals of this Monitor were to develop an understanding and familiarity with key components of Rhode Island's publicly funded system of employment supports and day services for people with IDD with respect to five key areas:

1. *Leadership, vision and values.* The extent to which the goals and aspirations of the ISA were reflected in the language and actions of key department and school leaders.
2. *Policy alignment.* Understanding the extent to which the structure and functioning of the State's service delivery system for people with IDD, as operated and overseen by

BHDDH, RIDE, ORS and PPSD, support the state's efforts to change consistent with the ISA.

3. *Funding and financing flexibility.* The extent to which funding from available resources and budgets is sufficient to ensure individuals in the identified target populations receive the services and supports necessary to comply with the standards and timelines identified in the ISA.
4. *Interagency collaboration.* The ISA covers activities across three State departments and the Providence Public Schools. The extent to which the three State departments and, as appropriate, PPSD work together to enable protected class members with IDD to receive continuous and uninterrupted services as they transition from school to adult services.
5. *Outcome and performance data.* The extent to which the state has systems in place within and across departments to document and report individual outcomes, track system performance and effectively demonstrate progress in implementing the ISA over time.

Data for this report was gathered through a number of different sources, methods and strategies including:

- Interviews of the directors and key staff of the state agencies named in the Settlement Agreement from BHDDH, RIDE, ORS, and from the Providence Public School District.
- Interviews of the directors of provider organizations who are members of the Community Provider Network of Rhode Island.
- Interviews with the director and key staff of the Rhode Island College Sherlock Center and representatives of the Rhode Island Developmental Disabilities Council.
- Visits to a sample of developmental disabilities provider organizations across the state, visits with people receiving support and interviews of the directors and key staff.
- Interviews of the directors, administrators and staff of Training Through Placement/Community Work Services, and visits with people receiving support.
- Interviews of the principal of Mt. Pleasant High School, the Director of Special Education, PPSD counsel and key staff.
- Participation in meetings coordinated by PPSD staff tracking efforts to engage and reengage members of the Birch Look Behind Exit Population who had left school.
- Interviews and meetings with stakeholders on the content and pace of change in state agencies, BHDDH, ORS, and RIDE.

- Individual and records reviews of persons receiving support from TTP.
- On-site visits to Mt. Pleasant High School classes.
- Numerous meetings and discussions with state agency staff, administrators and others.
- Review and analysis of state data, records and documentation of services and supports furnished to TTP and Birch students developed and recorded by BHDDH, ORS, RIDE and PPSD.
- Review of reports prepared by the previous Monitor.
- Discussions with BHDDH consultant Burns and Associates on the use of the Supports Intensity Scale for needs assessment and individual resource allocations. Review of related documentation and the use of claims data.

The methods employed to gather information for this report include: review and analysis of documents furnished by the State and PPSD; in-depth interviews with key administrators and policymakers, advocates, families and others; on-site observations of programs and services; interviews of protected class members at worksites; and structured meetings with key stakeholders. From the information and data gathered through the review process, three areas were prioritized for additional focus in the months ahead: (a) tracking and analyzing ISA outcome and performance data within each department and, to a lesser extent with PPSD, (b) ensuring the delivery of required services and supports; and (c) leadership and the development of effective and inclusive strategies for changing the State's IDD system in line with the ISA. These areas are highlighted in the findings section.

Finally, it is important to note that a significant amount of the data reported in this review was furnished directly by the state. While the Monitor was able to independently validate much of the information additional steps will be taken during the upcoming review period to verify data reported on individual Target Population members as well as summary data furnished by the state on services and supports provided and outcomes achieved.

IV. Response to the Settlement Agreement: Chronology of Change and the Impact on Individuals

The Interim Settlement Agreement (ISA) brought about significant changes in the educational and transition services provided by the Providence Public School Department (PPSD) at the Birch Vocational Program (Birch), and in adult services and supports furnished by the State at the Training Through Placement (TTP) program. The State and PPSD each responded swiftly and comprehensively to findings of the Department of Justice investigation, instituting changes in policy and practice across the wide range of areas identified by the ISA. The following two

sections describe the sheltered workshop programs at the Birch and TTP and the changes that were made as a result of the Settlement Agreement.

A. Training Through Placement

Training Thru Placement (TTP) was a BHDDH licensed service provider furnishing day and employment services to individuals with intellectual and/or developmental disabilities in North Providence Rhode Island. Prior to the Interim Settlement Agreement (ISA), TTP administered a sheltered workshop and center-based day program in a manner that actively suppressed opportunities for individuals receiving support to live and work in integrated settings within their communities. Under the auspices of a US DOL 14(c) certificate, in an egregiously substandard facility, approximately 85 individuals, performed menial tasks, such as wrapping television remote controls, hand sorting jewelry, and labeling medical supplies. Individuals were compensated, on average, \$1.57 per hour. At least one worker was paid as little as \$0.14 per hour – dramatically below the Federal and State minimum wage. Many individuals had participated in TTP's program over an extended period of between fifteen and thirty years and had not been provided with opportunities to work and live in their home communities despite their expressed desire to do so. TTP had not been a vendor of ORS services for over fifteen years. However, all individuals at TTP, including those with significant and complex barriers to employment, could have worked in regular jobs in typical community businesses making minimum wage or above, but were denied opportunity and services. TTP embodied and reflected the worst of a state system that prides itself as a standard-bearer for home and community based services, closing its institution and shifting supports to more flexible community alternatives.

Upon notification of and in coordination with the US DOJ's findings, the State of Rhode Island took swift and dramatic action at TTP. BHDDH removed the program's leadership and operating license and infused additional financial and personnel resources to immediately ameliorate inadequate staffing, and revise operational practices and program policies to be aligned with the provisions of the ISA. TTP's sheltered workshop and day program was replaced by a new service model designed to provide individuals with IDD with the training, assistance and support they need to acquire real jobs in typical businesses with nondisabled coworkers that are compensated at competitive wage rates and integrated into individuals' communities. Impelled by the ISA, the new approach resulted in the development of a flexible array of supported employment and integrated day service alternatives. Changes in support strategies and the implementation of key activities including in-reach, outreach, and education with all family members, friends, and stakeholders, person-centered planning, employment planning, and the provision of career development and benefits planning services have enabled TTP and the state to significantly change the lives and expectations of the people receiving support from this organization.

In coordination with and infusion of services from the Office of Rehabilitation Services (ORS), TTP's successor program, Community Work Services (CWS), now provides work-based

training, job matching, and job carving. Complimented by fading supports, individuals' have successfully transitioned into community environments and competitive, integrated employment settings. Many of the adults that required initial job development, job coaching and vocational services are now working with minimal job retention supports. Success stories include, Pedro, featured on the U.S DOJ's Faces of *Olmstead* webpage, ADA.gov.

The day after Pedro graduated high school in 2010, at age twenty-one, he found himself at home with no job prospects and no career direction. A native Spanish speaker with intellectual disabilities, Pedro was not prepared to enter the general workforce; instead, he was headed for a life of segregated employment and below-minimum wages in a "sheltered workshop." Sheltered workshops are places where people with disabilities spend the day typically doing repetitive manual work to fulfill contracts with private businesses. Workers in sheltered workshops generally have little or no contact with anyone without a disability and are often paid below the minimum wage.

Pedro attended a Providence high school where students with intellectual disabilities participated in an in-school sheltered workshop. In the workshop there were no students without disabilities. The students spent most of their school days sorting, assembling, and packaging items such as jewelry and pin-back buttons. They earned between 50 cents and \$2 per hour for their work. Rather than receiving the education and services needed to help them move into regular jobs, students were being prepared for segregated, below-minimum wage work in adult sheltered workshops. Indeed, in 2013, the U.S. Department of Justice found that Pedro's school-based sheltered workshop was a direct pipeline to a nearby adult sheltered workshop. After graduating from the school's sheltered workshop, Pedro began working at the adult sheltered workshop. Staff described him as an excellent worker who stays on task and performs well. But Pedro was paid just 48 cents an hour. And, because people who enter the adult workshop often stay there for decades and are rarely offered help to move into real jobs in the community, Pedro's career outlook was dim.

That all changed in June 2013 when the department reached an Interim Settlement Agreement requiring Rhode Island and Providence to provide employment services to help workers at the adult workshop and students at the school's sheltered workshop move into community jobs. At the same time, the school closed its sheltered workshop, so students with disabilities can focus on education and preparing for real jobs.

Pedro was interested in the restaurant industry, and in the summer of 2013 he joined a culinary arts training program. Twelve weeks later, helped by a combination of federal and state services, Pedro began working in the kitchen at a restaurant in North Kingstown. He has excelled and forged strong working relationships with other employees. He says he loves his job and especially enjoys preparing coleslaw for customers.

In December 2013, just three months after he started at the restaurant, Pedro was Employee of the Month. His manager said that Pedro was chosen for the award because "he has changed the culture of the company by inspiring everyone around him to reach higher; he has led by example." The company's owner describes Pedro as the heart of the business: "He has a great personality and loves working here – but more than just a personality, he does a great job." Pedro started his job with a job coach, funded by the state and federal government, but because the restaurant was such a good job match for Pedro and natural supports developed quickly, Pedro no longer needs coaching service. In fact, Pedro is now helping the job coach train other employees with disabilities.

Pedro deeply values his job at the restaurant, where he gets to work with peers without disabilities, earn a competitive wage and benefits, and enjoy all the advantages of community employment. His supervisor says the company, too, has experienced major benefits. She describes the strong sense of pride that comes from hiring Pedro and giving him the opportunity to realize his capabilities and participate in the American workforce: "It's a very fulfilling experience to see Pedro mainstream himself, to show responsibility, and to see him getting an honest wage for his work." Pedro's life is on a new path – and for this young man, there's no looking back (http://www.ada.gov/olmstead/faces_of_olmstead.htm).

Individuals from TTP, have secured work at more than 30 businesses through public-private partnerships ranging from national brands to local small businesses, including TJX, Gregg's Restaurant, RI Turnpike and Bridge Authority, Five & Below, Walgreens, Price-Rite, Automated Business Solutions, O'Neill Consulting, Capital Grille, Accu-care Pool Supplies, Hampton Inn, Dave's Marketplace, Panera, PF Chang's and the State of Rhode Island. CWS, in collaboration with the City of North Providence, now organizes work trials and employment opportunities. Along with in-state efforts, the State was proud to host the U.S. Business Leadership Network's New England Workplace Inclusion and Equality Summit at Rhode Island College in Providence, Rhode Island. The summit's goal was to convene 400 decision-makers and thought leaders across business, government, service providers, and communities with the goal of developing new partnerships and fostering positive outcomes.

In January 2015, 55 individuals from TTP's former sheltered workshop were employed in competitive, integrated employment settings, earning minimum wage or above and working the maximum number of hours appropriate for the individual. Cumulatively, over the life of the agreement, 68 individuals have received placements in integrated competitive employment settings compensated at or above minimum wage. More than 85 employment opportunities have been created. As of December 2014, individuals from TTP who have received placements under the ISA were working an average of 13 hours per week and receive an average wage of approximately \$9.24 per hour, an increase of \$7.67 per hour from the previous average of \$1.57 received in the segregated TTP environment. A review of monthly reports indicates that many individuals have increased their hours, wages, and work responsibilities over time but it is

important to note that Rhode Island's minimum wage rates have increased since the agreement was signed. Success stories, such as Jeffrey's are typical.

"Jeffrey was hired to work at Capitol Grille Monday through Friday from 9:00 a.m. to 11:00 a.m. The position resulted from the outreach by one of our [CWS] Business Developers. While the position did not formally exist, after learning about CWS' mission and work on behalf of the people of Rhode Island, the store manager expressed a strong interest in forming a partnership. At the request of the Business Developer, he made a list of routine tasks that his staff completed each morning before opening. These tasks were used to structure a new job description. Following several weeks on the job, Jeffrey became invaluable to the entire staff. His hours gradually increased, with new responsibilities being added to his daily work schedule. A District Manager, commented while visiting this summer that he had never seen the patio so impeccably cared for. Everyone at the Capitol Grille loves having Jeffrey on their team and he in turn has gained so much from his time there. He is currently training for the position of "Receiver", which he will assume, along with a pay raise, when the restaurant moves to its new location. CWS note that as an employer "the Capital Grille, Providence, has a personal commitment to all people with developmental or physical disabilities and they epitomize what we seek in a true 'Employer Partner' (CWS)".

Under the ISA, TTP/CWS was required to transform its workforce. Staff who supervised and operated segregated services had to learn new skills to become competent in the delivery of integrated employment and day services. Ten TTP staff members went through certified job coaching training and now accompany workers to interviews, support with job tasks and the changing work environment. In this new role, the job coaches work with individuals to identify their interests, skills and abilities with the goal of attaining and maintaining employment. Staff also learned to assist individuals in understanding their interests, disinterests, workplace strengths, and areas that may require specific skill development through participation in work trials and on-the-job experiences. Lori, for example, found that a job was not a good fit and leveraged that experience to secure employment that was more aligned with her interest.

Lori participated in the Community Work Services culinary training program and excelled during the 12-week session. Following completion of the program, Lori took on a leadership position by assisting in the day-to-day management of our breakfast and lunch service. After graduation Lori accepted a job at Panera Bread working in the dining area. Her duties consisted of customer service, maintenance of tables and general bussing duties. Lori also re-supplied the coffee station and utensils. Lori did very well at her job however she wanted to be challenged further in her work and asked the business developers to look for a new position in the hospitality field. Lori was presented with an opportunity to work at the Hampton Inn and Suites as a housekeeper and she accepted the position. The work of a housekeeper was very challenging for Lori due to the physicality of the work; she gave an incredible effort but realized she preferred to work in the food service industry.

Lori stayed in her position at the Marriot until an opportunity was found at PF Chang's Restaurant in the Providence Mall. Lori had recently been married and she was very excited to have found a job she could truly connect with. Her main duties are back of the house support and light food prep. As a utility staff member Lori has been a model employee and her supervisors and team members are very happy and supportive of her work (CWS).

Ongoing in-reach, outreach, and education initiatives continue to prove critical as the transformation of expectations, services, and culture change and evolve. Prior to TTP, no individuals were receiving services through ORS' vocational rehabilitation counselors. Currently, 100% of adults who learned about and chose to accept services from ORS have received them. However, the State and stakeholders continue to reach out and provided participants options, including the option of refusal, or the ability to gather more information through individualized inquiry and education.

In 2008, Louis graduated high school with a diploma, but because of a developmental disability that restricts his verbal-motor functions, he was unable to secure long-term integrated employment. His mother Lori - a fierce and devoted advocate for her son—found in a sheltered workshop setting "a closed and protective environment" where Louis "would be among others with similar needs." Louis worked at the sheltered workshop Training Thru Placement (TTP) for two and a half years, earning well below minimum wage.

When the U.S. Department of Justice reached an agreement with the State of Rhode Island this past summer to transition sheltered workshop participants to integrated employment, Lori objected: "We were very happy with TTP because Louis had work, socialization, and the other clients looked up to him." After some persuasion...the agency responsible for transitioning the workshop participants—convinced Lori to explore the option of supported employment.

In October Louis started his new job at Eleanor Slater Hospital, a state hospital, where he utilizes his strong computer skills and passion for mathematics to generate Excel reports, record timesheets, and complete other office-related duties. Louis works at the hospital for forty hours per week. He drives himself to and from work and especially enjoys having his own office, which he has decorated with Red Sox paraphernalia. When asked about challenges that he has faced in his job, Louis jokingly admits that wearing a necktie every day is still somewhat of a struggle.

Seeing her son thrive in the mainstream workforce has dramatically changed Lori's perspective about supported employment. In fact, she recently joined TTP's Board to promote the efforts of community employment for individuals with disabilities. Looking back Lori admits: "By trying to protect Louis, I was capping him." Lori says that in just a

couple of months in his new job "Louis has come out of his shell and his confidence levels are through the roof." Lori was especially touched when, after the Red Sox won the World Series, Louis went out and surprised his father and uncle (also ardent baseball fans) with championship t-shirts that he purchased with his own money. Louis's job has forever changed the family dynamic and the course of his own life. Now, Lori says, "the sky is the limit. (See http://www.ada.gov/olmstead/faces_of_olmstead.htm)".

B. Providence Public School Department – Birch Vocational School

The following is a summary of the actions taken by PPSD in response to the DOJ investigation and findings and the subsequent ISA.

United States Department of Justice Investigation. On January 14, 2013, the Department of Justice (DOJ) notified the State of Rhode Island that they planned on launching an investigation into "whether the State's reliance on day activity services provided in facility-based settings, including sheltered workshops and day programs, violated Title II of the ADA." DOJ's inquiry into the Birch Vocational sheltered workshop stemmed from its perceived link to TTP, a similar program operating a segregated sheltered workshop. DOJ's investigation concluded that the Birch Vocational Center's sheltered workshop functioned as a direct pipeline channeling students with disabilities into the TTP program. This practice significantly limited students' opportunities to choose integrated supported employment, integrated day services, or pursue higher education placing students with disabilities at "serious risk" of unnecessary segregation.

On March 28, 2013, in response to DOJ's investigation, the operation of the Birch Vocational Program was placed under the supervision of the Special Education Director, Ms. Lisa Vargas-Sinapi. Ms. Vargas-Sinapi conducted an assessment of the program that identified the following issues and concerns:

- Class lists were never updated in the student information system and, as a result, student information was inaccurate;
- Schedules and report cards were not recorded in the student information system;
- Students' IEPs were never finalized in PPSD's web-based system therefore several IEPs were lost;
- Students' IEPs had not been reviewed by the Birch Administrator for alignment with State and Federal regulations. The IEPs did not have measureable goals, were not referenced to appropriate levels of functioning and did not include current assessment data;
- Appropriate transition assessments and services were not conducted and written into IEPs;

- The only type of transition services provided to the students was the sheltered workshop;
- There was little to no expectation that students at Birch could find work in integrated companies or become employed;
- The technology at the Birch School was antiquated and was not a priority for instruction at the school;
- Teachers did not have access to a curriculum to provide instruction to students;
- The students of Birch Vocational were not integrated with non-disabled peers.
- Little to no professional development and training was provided to the faculty and staff regarding transition services, assessments, or IEP development.

It was also noted that several extra-curricular programs had been developed at Birch Vocational School without a clear purpose or alignment to individualized education program (IEP) development or transition services. The Special Education Director reported her findings to the Chief Academic Officer and recommended several actions including the closure of the that the in-school sheltered workshop (see below).

DOJ notified PPSD personnel that it had found violations of the ADA at Birch and that such violations were linked to a culture of low expectations with respect to the individuals with disabilities receiving support at the program. DOJ reported that the staff at Birch were instructed to have students engage in menial tasks, often without pay. For example, students working in the workshop would be asked to place plastic buttons in bags or sort them by color and place them in buckets “only to have their work dumped back into a pile at the end of the period or day.” DOJ’s expert concluded that the students who were not compensated for their work in the workshop “were not so severely disabled as to be incapable of receiving integrated transitions and supported employment services, and they demonstrated very few differences in ability from the students who were paid subminimum wages.” Students who were deemed capable of performing at subminimum wage levels would have their work used to fulfill the contractual obligations the in-school sheltered workshop had with its vendors. When students did express preferences to have “real” job experiences, they were told to continue working because the production deadlines needed to be met. This “mandate,” imposed by the sheltered workshop director and staff was determined by DOJ to have “severely limit[ed] Birch students’ opportunity to be successfully matched with integrated work placements that are better suited to their particular preferences, interests, and skills” by essentially giving them virtually no choice but to participate in the sheltered workshop even in cases where students had expressed a desire to receive integrated services and experiences.

DOJ concluded that PPSD failed to provide timely transition services to students at Birch that would adequately prepare them to succeed in post-secondary integrated settings. Opportunities for internships and career learning experiences that were available to students at Mount Pleasant High School were not provided to Birch students. Instead, students at Birch learned work tasks in the workshop that only prepared them to work in segregated sheltered workshop facilities that mirrored the workshop at Birch. There were no “employment-related transitional assessments, including situational and community-based vocational assessments, necessary to transition into work in integrated settings.” Between 2009 and 2013, only 1.7% of the students at Birch received vocational assessments in integrated settings. The remaining, vast majority of students had not received vocational evaluations of the type necessary to determine their employment-related skills and abilities in typical integrated work settings.

PPSD responded swiftly. On April 12, 2013, three days after learning of the alleged violations at Birch, PPSD permanently closed the sheltered workshop and has no plans to reopen the program. On June 7, 2013, DOJ issued a detailed letter to the City noting the violations that occurred and setting forth the remedial actions the City needed to take to come into compliance with the ADA. The City along with the State of Rhode Island entered into an interim settlement agreement with DOJ on June 13, 2013.

Harold A. Birch Vocational Program. The Harold A. Birch Vocational Program was located in a self-contained wing of the Mount Pleasant High School in Providence that was set aside for students with disabilities ranging in age from 14 through 21 years. The program was developed by parents of students with moderate to severe disabilities over 40 years ago to provide academic instruction along with vocational training in a federal licensed sheltered workshop. Over the years the program had not changed to keep pace with advances in both Federal and State law and best practices in the field. As described above, at the time of DOJ’s investigation services and supports were not designed to align with students’ individualized educational programs (IEPs), programming was not consistent with the ADA, as noted by the U.S. Department of Justice and wages paid to students receiving sheltered workshop services did not comply with Fair Labor Standards Act (FLSA).

Action Plan for Integration and Inclusion. As a result of the DOJ investigation PPSD immediately developed and implemented a strategic plan designed to create robust instruction and transition services to enable every student to achieve their post-secondary goals. PPSD’s strategic plan has led to progressive changes in instruction, integration and transition programming needed to meet students’ needs and provide them the supports and skills necessary for them to succeed.

Description of the Re-Design Model. The Providence Public School Department began with the belief that Birch Vocational School could be transformed and redesigned to align with best practices and afford students the best services to achieve to their fullest potential and achieve their post-secondary goals. Providence Public School Department’s re-design plan includes four core areas to enhance programming and services:

- Integration and Inclusion
- Transition Programming and Services
- Curriculum and Instruction
- Parent and Family Collaboration

Vision. The strategic plan includes a new vision of the Birch Vocational School redesigned to become the Mount Pleasant High School Birch Academy. The emphasis of the redesigned program is on preparing students to become responsible, skilled and effective adults in society by providing rigorous educational opportunities with a direct focus on instruction, transition and career skills, activities and plans for students to achieve their post-secondary goals.

Re-Design Committee. A taskforce, including administrators, teachers, teacher assistants, state agencies and parents, was established to develop a detailed plan to enable the students at Mt. Pleasant Birch Academy to be provided with the tools, instruction and experiences to improve student achievement and outcomes. The re-design committee's first meeting took place July 30, 2013 in which subcommittees were formed, and goals and expectations set. The committees met monthly for one year to develop and monitor implementation of the plan.

Key Features of Re-Design. The redesign plan lists the major components that the Providence Public School Department needed for successful implementation and achievement for students:

- A robust, engaging curriculum that aligns with the alternate grade span expectations and transition standards and can be differentiated to meet individual student needs;
- Integration of students with non-disabled peers in all aspects of the school day as appropriate for each individual student;
- Instruction that explores transition services and activities to provide students the skills to meet their post-secondary goals;
- An assessment system that drives IEP development and transition planning;
- Dynamic interactions, experiences and exchanges with community partners, businesses and organizations to enhance learning and skills;
- A focus on transition skills and experiences that are vital for success throughout and after high school;
- Faculty that brings interests and perspectives into school experiences and instruction;

- Technical assistance from the Rhode Island Department of Education (RIDE) that will assist in guiding re-design and goals for the program;
- Collaboration with state agencies to begin the career planning process and achieve student goals in a timely fashion.

Integration and Inclusion of Birch Vocational into the Mt. Pleasant High School Community.

The goal for integration and inclusion of Birch Vocational was to enable the students and faculty of the Mt. Pleasant Birch Academy to become an authentic part of the Mount Pleasant High School community by addressing several key areas of program operation and design including administration, physical plant, integration, acceptance of diversity and staff training.

Administration. In August 2013, the Mt. Pleasant High School Birch Academy was placed under the direct supervision of the Principal of Mt. Pleasant High School and his administrative team. A new Coordinator of Student Services was appointed to work directly under the Principal and collaboratively with the Special Education Director to provide leadership, strengthen special education and transition services to meet the requirements of the DOJ agreement and improve services and integration at Mt. Pleasant Birch Academy.

Physical plant. The Director of Special Education and Principal of Mt. Pleasant worked with the PPSD Chief Operating Officer to repurpose the physical space formerly occupied by the Birch Vocational School into the Mount Pleasant High School to ensure all classrooms were fully integrated and provide a safe and appropriate classroom environments.

Integrated classrooms. While not required by the ISA, the Principal and guidance staff worked, and continue to work, to schedule students with disabilities to be included and integrated in as many classes as appropriate across the school day. As appropriate, students are currently integrated for gym, art, computers and health. Four students are additionally part of the Principal's advisory group, which takes place once a week and works to review the needs of the school and plan school events. Integrated field trips have taken place through the Art and Science Department and integration into Spanish classes is being reviewed. The goal is always to integrate Birch students into as many classes and after school programs, as appropriate, taking into account student interest and IEP needs. Two teachers from the Birch Academy have fully included students with disabilities into core English and Math classes. IEPs have been reviewed to ensure the students will progress and are receiving services in the appropriate settings to meet their needs.

Inclusion and the development of a Buddy system. The Birch Inclusion Sub-committee encouraged the establishment of a Buddy system within Mount Pleasant High School. Buddies are general education students in the same classes as the Birch students who assist them in various ways, as partners in projects, modeling appropriate high school behavior, and being a resource when students need help. More than 20 general education students volunteered to help as Buddies in

the 2013-2014 school year during integrated physical education classes. The Buddy system also has been effective in art classes where Buddies assist in setting up class activities so that when students arrive they are ready to work together. General education students state that they view the Birch students as part of their team. During the 2014-2015 school year, Mt. Pleasant High School has become an official member of the RI Best Buddies organization. During the current school year, Mt Pleasant's PE teachers worked with Rhode Island College to provide Birch Academy students and their "buddies" experiences in college life.

Staff Training. Special education teachers at Mt. Pleasant have been trained to implement the aspects of Universal Design for Learning (UDL) to assist students overcome barriers and improve learning since December 2013. Training was provided to the Mt. Pleasant High School faculty by the RI Developmental Disabilities Council addressing the benefits of inclusion with adults with disabilities speaking to their own experiences in this area. Expert consultants provided additional trainings to general and special education teachers during the 2013-14 school year on inclusion and collaborative teaching.

Action Plan for Transition Services and Programming. Federal and state law require school districts to discuss transition services during the development of a student's Individual Education Program (IEP), and annually thereafter. Transition services at the Mount Pleasant Birch Academy are being revamped and aggressively implemented to align with best practices and the requirements of the ISA. Providence's plan to provide the necessary transition service and programming to students includes five key areas:

- Supported Employment and Transition Services with identification of Vocational Sites;
- Career and Employment Planning Teams;
- Vocational and Transition Assessments;
- Collaboration with State Agencies;
- Staffing and Leadership.

Supported Employment and Transition Services with identification of Vocational Sites.

The PPSD Action Plan is taking steps to ensure that all staffing is in place and appropriate training and professional development is being provided to support necessary transition services consistent with the ISA. In November 2013, Perspectives Corporation, a local developmental disabilities services organization, was hired by PPSD with funding from ORS as a consultant to provide integrated trial work experiences to the 2014 graduates to align with the ISA and to provide students with preparatory activities to guide their transition to the adult system. PPSD's transition consultant and Special Education Director worked during the 2013 summer season to locate an array of integrated vocational sites to provide supported

employment services. For the 2014 – 2015 school year Perspectives is working with four 2015 graduates and all of the 2016 graduates in trial work experiences.

In 2014, PPSD collaborated with the BHDDH, ORS functioning in a critical funding and leadership role, and Miriam Hospital to develop Rhode Island's first Project Search program. Project Search provides real life work experiences to help youth with significant disabilities make successful transition from school to work. Currently 8 interns in the program are working on the second of three work experience rotations. PPSD and the Advisory Committee, composed of representatives from ORS, BHDDH, Miriam Hospital, Perspectives, and the Sherlock Center, have found Project Search and the collaboration to offer significant benefits to students and their development of career and employment skills.

An extensive amount of professional development and training was and is needed for all Birch Academy teachers and staff in order to implement appropriate transition services. Birch staff and teachers have never previously received appropriate professional development in this area and lacked the necessary training to implement supported employment and transition services. Professional development began on August 19, 2013 and has continued throughout the 2013-2014 and 2014–2015 school year. Topics for training have included the implementation and analysis of transition assessments, developing transition planning and services in the IEP, career development planning, MAPs and coordination and planning with state agencies among others.

Person Centered Planning. PPSD identified the MAPS (Making Action Plans) as the person-centered planning process for all Birch Academy students. Directed and guided by the student and family, MAPS is facilitated by trained school team members. Initial training occurred for Birch teachers and is being expanded utilizing a train-the-trainer model. Intensive instruction occurred in January 2014 with follow up professional development and modeling completed in the spring of 2014. Additional training was provided to ensure and monitor implementation.

Individualized Career Development Plans. In collaboration with the State Office of Rehabilitation Services (ORS), the Department of Behavioral Healthcare, Developmental Disabilities & Hospitals (BHDDH) and the Rhode Island Department of Education (RIDE), PPSD developed clear procedures for creating Career Development Plans for every student in the Birch Academy. Career Development teams were established and the planning process began at Mt Pleasant High School in October 2013 consistent with the ISA. As of March 1, 2015 career development plans had been completed for 64 out of 76 students to align support and services for Birch students to achieve their post-secondary goals. In September 2014, the Providence Public School Department hired a vocational rehabilitation counselor who has assisted in scheduling and developing comprehensive career development plans.

Vocational and Transition Assessments. PPSD purchased an array of vocational assessments designed to meet the needs of students with cognitive disabilities. Training on the administration of the assessments began at the end of August 2013 and has continued throughout the school year.

Collaboration with State Agencies. Collaboration with state agencies is necessary to providing the transition services, programming and information to students and their families. PPSD has developed and expanded collaboration and communication with RIDE, ORS and BHDDH in order to reach the goals and expectations set forth in the ISA. RIDE and ORS have collaborated with LEAs in the provision of transition services over the past 13 years. The 2013 cooperative agreement between the two agencies provided the infrastructure that allowed for efficient and effective deployment of resources, including the provision by ORS of a master's level rehabilitation counselor to provide consultation and referral at Birch. PPSD communicates with the state agencies monthly to review all cases, set priorities and create action plans moving forward. In addition, the PPSD Special Education Director has met monthly with RIDE administrators to monitor the implementation of the plans and progress with programming and services. This provides PPSD with input and technical assistance to ensure the City of Providence is able to meet the terms of the DOJ agreement. RIDE monitors implementation quarterly and provides technical assistance as deemed necessary. According to the ISA, the State and PPSD are mutually responsible for ensuring supported employment placements for the Birch Exit Population. This includes students leaving school during the 2011, 2012, 2013, & 2014 school years.

Organized by the Special Education Director, the State and PPSD meet monthly to review each student in the target population to assist with problem solving and ensure that each person receives the supports and services needed to become employed. Minutes are kept at each meeting with assigned tasks and responsibilities. This collaboration has provided very thoughtful and careful planning for each student. Two of the 2013 graduates returned to the District for an extra year of supported employment services. One of the candidates attends Project Search at Miriam Hospital and another candidate attends the Providence Transition Academy. Of the 36 people in the Birch Exit Population, 6 individuals are not engaged, 4 persons are willing to engage, 21 individuals are receiving supported employment services or trial work experiences (9 are receiving supported employment services including discovery, job finding, job shadowing, etc., while 12 persons are participating in paid trial work experiences in integrated settings). Five individuals are employed in competitive integrated employment (14%). These data show the impact of PPSD's outreach efforts. Excluding those individuals who are not willing to be engaged at this time as well as those who are willing to reengage, fully 72% of the Exit Population (26 of 36 individuals) are either employed or on a clear track to securing integrated employment in community based companies.

Staffing and Leadership. The transition goals outlined above require highly qualified teachers and staff with skills in leadership, vocational training and job coaching. To meet the ISA requirements the Office of Special Education utilized its Division of Secondary Education to provide direct oversight, leadership and direction across the District to support the systemic implementation of transition planning and services. Providence School Department's Manager of Secondary Schools heads this division working in collaboration with the Regional Transition

Coordinators. This coordination and development provided the necessary support to enable PPSD to meet the ISA's requirements and supervise transition activities across the District.

Vocational and Job Coaching Support. PPSD developed a vocational rehabilitation counselor position to oversee a variety of professional assignments and to provide vocational rehabilitation guidance, assessments and rehabilitation planning to students with disabilities. The position was filled in September 2014. In addition, a job development coach was hired to reach out to the community to support the identification of vocational sites to provide supported employment opportunities to the students. Over 40 different sites have been identified. The job development coach works directly with CTALs (Community Transition Assistant Liaison) to ensure all students receive necessary community experiences.

Job Coaches. A redesign of the Teacher Assistants' job responsibilities for Birch Academy took place with the collaboration of the local union. The newly designed Community Transition Assistant Liaison position provides the program with highly skilled teacher assistants who have received training in job coaching strategies. This enabled CTALs to provide assistance to students during supported employment services and job assessment training in the community. Instituted in 2013, all ten positions have recently been filled. Focused training has taken place on the topics of job coaching and the goals of supported employment services utilizing both the TACE and Virginia Commonwealth courses in these areas. Further training occurred through BHDDS's technical assistance contract with the Center for Excellence and Advocacy throughout the 2014 – 2015 school year.

Skilled and Effective Teachers. PPSD's goal was to take steps to ensure that teachers in the Birch Academy have the requisite skills to provide the necessary instruction and training to all students. Teachers at the Birch Vocational School were previously not provided with the necessary training to provide appropriate assessments, instruction and transition skills that would enable students to become successfully employed adults in integrated, competitive settings. Intensive professional development and monitoring was and still is essential to enable PPSD to achieve these goals. In August 2013, scheduled professional development and training for all Birch Academy staff began that included weekly common planning time as well as additional after school trainings as described below. In the 2014 – 2015, common planning time has been the vehicle used to provide structured trainings to the teachers. PPSD staff report that the teachers at Birch Academy have been key to the success and progress of the re-design of the program at Mt. Pleasant. The teachers have utilized the training and professional development to provide stronger services, instruction and support to students. Both CTALS and teachers have embraced the vision and have worked hard to meet the provisions of the ISA and enable PPSD students to achieve their post secondary goals.

Action Plan for Curriculum and Instruction. Curriculum and instruction at the Mount Pleasant Birch Academy needed to be revamped and aggressively provided to meet the diverse needs of students with significant cognitive disabilities to achieve and progress and align with best practices and federal law. Providence's plan to provide the necessary curriculum alignment

and instruction focused on the following areas: curriculum and instruction, individualized education program development, and extended school year services.

Curriculum and Instruction. All students, including students with significant cognitive disabilities, deserve and have a right to a quality educational experience. This right includes, to the maximum extent possible, the opportunity to be involved in and meet the same challenging expectations that have been established for all students. The curriculum and learning instruction must include skills in the areas of reading, writing, listening, speaking, mathematics, and problem solving aligned to the Common Core Standards. This instruction must reflect the academic and vocational subject areas included in the student's IEP and must be aligned to the student's course of study. Curriculum modification and accommodations should be provided based on the needs of the individual student.

In order to achieve the goals, PPSD purchased the Unique Learning System (ULS), an online, standards-based curriculum specifically designed for special learners. The system includes monthly instructional thematic units of study with downloadable materials that teachers can readily implement in the classroom. Lesson plans define three levels of differentiated tasks to accommodate the diversity of learners with significant disabilities. Professional development began over the summer of 2013 to teachers at the Mt. Pleasant Birch Academy. The Special Education Director and the Student Services Coordinator monitor ULS implementation to ensure maximum benefit. New computers and software were purchased for the staff at Birch Academy to implement and enable students' appropriate access to the curriculum.

Individualized Education Programming Development. Each student with a disability under the IDEA must have an Individualized Education Program (IEP) designed with applicable procedural safeguards to guide the appropriate provision of a free appropriate public education (FAPE) in the least restrictive environment (LRE).

The IEP serves as:

- An educational blueprint describing the student's skills and needs, outlines a plan of specially designed instruction to take advantage of those skills and respond to those needs, and establishes educational goals to be achieved during the next year;
- A tool designed to facilitate communication between the family and school to regarding the student's educational needs and the creation of specially designed instruction and related services that will enable the student to benefit from instruction; and
- A record documenting the resources that the District has committed to provide the student.

The IEP team designs services for each student based on his/her unique needs and not on the category of the student's disability. All IEPs are to be developed using the district's web-based IEP system. IEP development training was greatly needed for the faculty and staff at Birch

Academy to create IEPs that support student learning and determine the skills needed for students to achieve. Consistent with the provisions and requirements of the ISA, each student's IEP is person-centered and coordinated with the individual's career development plan to inform employment related goals and recommendations, and incorporate key transition activities including benefits planning, discovery and access to integrated vocational and situational assessments.

The Special Education Department provided several professional development opportunities throughout Fall 2013 to train staff on aligning IEPs and assessment reviews with state and federal regulations to meet student need.

Extended School Year Services (ESY). Under IDEA Regulations, extended school year services must be provided if a youth's IEP team determines, on an individual basis, in accordance that the services are necessary for the provision of a free appropriate public education to the child. ESY services for students at the Mt. Pleasant Birch Academy are now reviewed yearly for each student. ESY programming is being expanded to enable each student at Mt. Pleasant to be provided with the ESY services identified in each student's IEP.

Parent & Family Collaboration. Research suggests that parent participation in school improves the academic performance of students; moreover, parents with experience regarding school programming and services are better able to improve students' learning, growth and development. The Special Education Director works closely with the parent leadership team of the Local Advisory Committee for Special Education and has kept the leadership team abreast of all planning regarding Birch Academy. Special Education Department's Plan provides parents with several trainings including but not limited to: transition planning services, graduation requirements, benefits training, and preparing for life after high school (coordination of services training).

Providence schools follow many steps to ensure meaningful parental participation. First, IEP teams work to find a mutually agreeable time to meet for all IEP and career planning meetings. Secondly, sufficient notice of all meetings is provided, with documentation of the purpose, time, location and persons to be in attendance. Third, interpreters are provided if needed to ensure meaningful participation. Fourth, the goal for all IEP and special education meetings is to create a culture of partnership, where opinions and beliefs are valued – so that each student receives an adequate and appropriate free public education. PPSD provides parents with opportunities for meaningful participation to achieve the following outcomes:

- Increase the teacher's understanding of the youth's environment;
- Add to parents' knowledge of the youth's educational setting;
- Improve communication between parents and the school;

- Increase the school's understanding of the young adult;
- Increase the likelihood that, with improved understanding between home and school, mutually agreed upon educational goals will be attained.

During the re-design of the Mt. Pleasant Birch Academy, PPSD furnished parents with critical information regarding the implementation of the changes being made. For example, two parents of students with disabilities participated on the Re-Design Team in order to ensure that parent and family perspective and input is incorporated into planning and implementation. In addition, the RI Parent Information Network (RIPIN) received a grant and provided 2 hours a week of support to the parents of Mt. Pleasant High School for the 2013–2014 school year. The RIPIN representative reaches out to the parents and families in order to provide support and guidance in reference to special education concerns or processes. PPSD reports that parents and families were initially extremely skeptical and afraid regarding the changes to the program and the transition to a large comprehensive high school. Parents were concerned over the safety of their children as were fearful of what was to come. They felt that information regarding the ISA had not been made available and the investigation was not a transparent process. And, they were fearful of the new administration.

PPSD developed a communication plan that consisted of providing continuous access and ongoing conversations with the Special Education Director and the new Student Services Coordinator at Mt Pleasant regarding the ISA and upcoming changes. Additionally, Superintendent Lusi provided an informational parent meeting in August of 2013 to provide clear communication regarding the implementation of these changes to enable parents and families to prepare their child for any and all transitions and changes to their child's program. A frequently asked questions (FAQ) brochure and a dedicated phone line also were made available for parents to access information. In January 2014, Mayor Taveras held a meeting with parents to address concerns and provide support regarding the implementation of PPSD's plans and goals. In May 2014, the Court Monitor held a parent meeting with parents to review the provisions of the ISA and answer questions.

PPSD reports that as a result of efforts to improve communication, parents have become very supportive of the school's work and have stated their opinion that their children are part of a high school experience that now prepares them to successfully transition to competitive integrated employment and achieve their post secondary goals. Most recently, Project Search parents presented to 2016 exit students and families regarding the benefits of Project Search and how their children have achieved and developed in the program. PPSD reports that the communication and transparency of the process has assisted the parents in feeling a sense of ease and trust in the program and they are now seeing the growth and skills in their children to achieve their goals.

PPSD reports that it's goal is to learn from its efforts to change the climate and culture at Mount Pleasant High School by reviewing and analyzing the outcomes of the implementation process

and incorporating best practices to improve program planning and operation, consistent with the provisions of the ISA. The Providence School Department with support from many other individuals, teachers, administrators and community agencies, plans to continue improvement efforts so that students benefit from the rigorous instruction, full integration, community based services and ongoing review and assessment to achieve their post-secondary goals.

V. Findings: Review of Progress on the 13 Operational Provisions

This section references key benchmarks in each of the relevant operational provisions of the ISA and includes a summary of the status of the State's activities to date, the data that has been or needs to be provided and the steps the State must take to make progress under the Agreement.

A. Outcomes (ISA Section IV)

The ISA specifies supported employment placement targets and service delivery benchmarks encompassing a wide range of activities. In addition to the expansion of supported employment services and placement in an integrated setting, performance requirements are designed to ensure each member of the target group receives services identified through a person-centered planning process and an individualized career development plan. Additional provisions assure access to individual benefits planning and counseling, self-employment opportunities and training and assistance as needed to enable them to participate in integrated employment settings (see ISA Section IV(1)-(9)).

Consistent with the terms of the ISA, placements and funding for services in sheltered workshops and segregated day activity settings operated by TTP and the Providence Public Schools at Birch ceased on April 12, 2013, and relief was provided for approximately 200 people who fell into three target populations described above. Under the terms of the ISA, the State and City of Providence agreed to work together during 2013-2014 to achieve a number of goals and specific outcomes regarding the delivery of services and supports to members of the three target populations identified above. The Outcomes section summarizes key performance benchmarks that are described in more detail in subsequent sections of the Agreement. The following summarizes the state's progress on meeting the goals, objectives and outcomes identified in the ISA through December 1, 2014:

Progress

Benchmark 1 – Birch §IV (1)-(2). By September 1, 2013, all individuals in the *Birch Exit Target Population* and all individuals in the *Birch Transition Target Population* will be provided the services and supports described in Section V(A)(1)-(2) necessary to introduce them to work in integrated settings, according to the youth transition process and milestones set forth in Section VIII, and they will become eligible for a Supported Employment Placement, as provided in Section V(D), upon their exit from Birch.

Status: The total *Birch Exit (Look Back) Population* comprises 36 individuals. The total Birch Transition Target Population inclusive of students participating in Project Search and the Providence Transition Academy is composed of 76 students as of February 18, 2015. The previous number reported was 77; one youth left the District. During the months of September through November 2014, 76 students participated in a variety of Supported Employment Services, including job discovery, career exploration, transportation services and daily living skills. Of this number, 38 are in trial work experiences¹. Eleven students will be exiting the target population in 2015: six from Project Search, four from Mt. Pleasant Birch Academy and one from the Providence Transition Academy. The majority of the members of each group are receiving supported employment services as described. See Supported Employment Services and Placements below for summary of status and steps to be taken.

Supported employment services and integrated community opportunities provided to Birch Transition youth by PPSD are markedly improved as compared to those available before implementation of the ISA. Students now have opportunities to explore and participate in trial work experiences in areas of their own interest including food services, childcare and retail. Other students are participating in the RI's first Project Search at Miriam Hospital. This is a collaborative effort in conjunction with the State, Perspective Corporation, Miriam Hospital and the Providence Public School Department. The students are finishing their first rotation, have gained new skills and reportedly have enjoyed the experience.

Benchmark 2 – Birch §IV(3). A person-centered planning process will be engaged in every year that a student attends Birch, starting at age 14. The person-centered planning process will minimally include the standards and milestones set forth in Section VIII.

Status: The Providence Public School Department has identified MAPS as their person-centered planning process. Several professional development activities took place last school year to ensure teachers and teams were able to productively and appropriately implement the MAPS procedures. PPSD utilized a train-the-trainer model to ensure all teachers were trained and ready to implement the process. Teachers and administrators also participated in a MAPS training offered by RIDE. Additional trainings were provided by a State regional transition coordinator for all Birch Academy Teachers. During the current 2014-15 school year PPSD teachers trained their colleagues on MAPS using effective teaching approaches and methods. Documentation in personal development logs and the PPSD quarterly reports show that PPSD continues to improve the quality and quantity of the implementation of MAPS.

¹ "Trial work experience" is defined in the ISA as the opportunity to work in a real job in an integrated employment setting alongside non-disabled coworkers, customers, and peers, with

Benchmark 3 – Birch §IV(4). Effective April 12, 2013, by Order of the PPSD Superintendent, PPSD ceased providing sheltered work at the Birch sheltered workshop, and the program was terminated.

Status: PPSD does not provide services to individuals with IDD at Birch in a sheltered workshop setting.

Benchmark 4 – TTP §IV(5)-(6). Effective on the date of the Interim Agreement, the State will no longer provide placement or funding for new entrants to sheltered workshop or segregated day activity services at TTP, including: (a) transition-age youth with I/DD; (b) any working age adult newly eligible for I/DD services; and (c) any working age adult who is already utilizing IDD services who is not already receiving services at TTP. Effective March 31, 2014, the State will no longer provide placement or funding for sheltered workshop or segregated day activity services at TTP. The State does not provide placement or funding for new entrants to sheltered workshop or segregated day activity services at TTP.

Status: TTP's payment of subminimum wages was eliminated by the end of October 2013. TTP closed its workshop program on March 27, 2014, and the 14(c) subminimum wage certificate was not renewed when it came up for renewal in July of 2014. The total TTP population comprises 85 individuals. This number includes an additional 6 individuals whose records were later identified by the state. The state has been serving 79 active TTP target population members and provided integrated employment placements to 55 (see below). In reviewing records the state identified and is providing services to an additional 6 individuals. These individuals are not included in the numeric targets.

Benchmark 5 – Career Development Planning §IV(9)(7). By September 1, 2013, the State will provide career development plans (CDPs), as described in Section VII, for each individual in the *TTP Target Population* and each individual in the *Birch Exit Target Population*. Supported employment services will not be delayed due to the absence of a career development plan.

Status: See also Section VII on Career Development Planning below. A Report prepared by the previous Monitor dated 11/20/13 noted that career development plans prepared during that period had substantially met the requirements of that provision. The report also noted that no supported employment services had been delayed or denied to any individual due to the lack of a career development plan. According to the Birch Submission (student data) report ending November 31, 2014, 58 of 77 total students had career development plans in place (75%). This number grew during January and February and by March 1, 2015, 64 CDPs had been completed for 76 students (84%). PPSD reviews CDP annually in conjunction with the IEP annual review. Substantive progress has been made in this area by PPSD.

The January Monthly Report for TTP reports that all seventy-nine (79) individuals (100%) have career development plans on record. Although improvements are being made, the ISA requirement for an annual review of CDPs at TTP has not yet been met.

Career development plans of a small sample of individuals served by PPSD were reviewed by the Monitor and found to address the provisions of this section of the ISA. The Monitor will complete a more extensive review of a larger sample of individual files of Birch students and TTP participants over the next 180 days.

Benchmark 6 – Benefits Counseling §IV(8). All individuals in the *Birch Exit Target Population* and all individuals in the *TTP Target Population* shall receive benefits planning information and counseling from an experienced, qualified professional by September 30, 2014.

Status: Approximately 55% of the total Birch Exit Population and 97.5% of the TTP Target Population have received benefits counseling. It is important to note that 100% of the 2014 and 2015 Birch Exit Populations and 77% of the 2013 Birch Exit Population have either received or been authorized to receive benefits counseling. Lower penetration rates are reported for the 2011 and 2012 Birch Exit Populations at 25% and 20%, respectively. Students in the 2011 and 2012 Birch Exit Populations were among last to be identified and provided with information about the ISA, and are, for the most part, still at the beginning stages of engaging in discovery and job exploration activities. They are likely to need benefits counseling in the near future as job placements become available. As a result, the benefits counseling statistics for this population is expected to increase. Benefits counseling has been offered to all members of the TTP population. ORS and BHDDH are working with the Regional Transition Centers and RIPIN to increase the numbers of target population members who receive benefits counseling and report that they are offering Benefit Counseling orientations to families and youth on a regular basis. The state acknowledges a lack of resources in this area and is working to resolve the problem.

Benchmark 7 – Integrated Employment Placements §IV(9)(a-e as revised). On July 11, 2014, the parties agreed to modify Section IV.9. of the ISA. The modification requires all individuals in the TTP Target Population and all individuals in the Birch Exit Population, and any additional individuals in the two populations, to be provided supported employment placements by December 1, 2014.

Status: As described in detail below, the State and PPSD have made significant progress in this area, expanding employment opportunities for individuals in both the Birch and TTP Target populations.

The State, PPSD and assigned agencies meet monthly to review every member of the Birch look-back population, reviewing job placement successes, supported employment services and any barriers to employment. Minutes are taken at every meeting and follow

up responsibilities are assigned. Significant outreach efforts have been made to reach individuals not previously involved in the State system, enabling 4 additional members to begin to re-engage services with BHDDH. Strategic collaboration and client planning continues monthly for each individual. Two persons who never engaged with the State system and who were part of the 2013 population were returned to PPSD to participate in supported employment services at Project Search and the Providence Transition Academy. This type of agreement and cooperation between parties demonstrates detailed and extensive planning efforts that are occurring to meet the needs and the goals of each of the members of the target populations. The collaboration between the State and PPSD demonstrates a strong commitment to carrying out the goals of the Agreement.

TTP Target Population. The number of job placements has increased significantly under the ISA but the state did not meet the placement targets for December 1, 2014. As of January 30, 2015 (see TTP ISA Jan2015 Placement report) out of a total TTP Population of 79 individuals, 68 (86%) of the placements have been made in competitive integrated employment settings. Of the 68 total placements 55 individuals were working on January 31, 2015 and an additional 13 persons had been placed during previous months. The TTP Population is composed of members of the TTP Target Population as well as members of the Birch Target Population who receive services from TTP. Of the 68 total individuals who have been placed in competitive integrated post secondary work settings, 55 are members of the TTP Target Population and 13 are members of the Birch Target Population.

Mt. Pleasant Birch Look Back (Exit) Population. As of December 31, 2014, a total of 5 students had received placements in integrated employment settings out of a total of 36 individuals (see below).

Birch Exit Look Back 2011- 2014
Individual Placed by December 2014

| Year | Total N Size | Placed | In Supported Services/Trial Work | Awaiting to Re-engage with State BHDDH | Not Engaged |
|--------------|---------------------|---------------|---|---|--------------------|
| 2011 | 8 | 1 | 3 | 1 | 3 |
| 2012 | 8 | 0 | 3 | 3 | 2 |
| 2013 | 9 | 3 | 5 | 0 | 1 |
| 2014 | 11 | 1 | 10 | 0 | 0 |
| Total | 36 | 5 | 21 | 4 | 6 |

Twenty-one students from the Birch Exit Population were receiving supported employment services (9) or engaged in paid trial work situations (12), while 4 persons

were waiting to reengage with eligibility determination and funding from BHDDH. Six persons were not engaged and continued outreach efforts were taking place.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The State and PPSD have been tracking and submitting data relative to their performance on achieving identified outcomes of the Agreement. The differing forms and reporting formats being used make it difficult to track progress and clearly identify the outcomes being achieved. It is recommended that the State and PPSD review current data reporting methods and formats to improve clarity and that a single, uniform format be developed and adopted for reporting to the Monitor monthly summary data on the status of all members of the TTP Target Population and the Birch Exit Target Populations by May 29, 2015. The form should be approved by the Monitor and include summary data on the employment and placement status of the two populations. Separate forms can be used by PPSD and TTP as long as compatible formats are utilized. It is recommended that the summary chart format minimally include for each population the following non-duplicated data elements:
 - a. Report Title: ISA Program Name (Mount Pleasant Birch or TTP) Monthly Supported Employment Placement Report;
 - b. Month and Year;
 - c. Total number of protected class members;
 - d. Number of members who left the state or are not participating for personal reasons;
 - e. Number of individuals who received a placement in an integrated employment setting during the month reported and the cumulative total;
 - f. Number of target population members working in integrated employment at the end of the month reported;
 - g. The number of target population members who want to re-engage in state services and are awaiting acceptance from BHDDH.
 - h. Average hours worked across all individuals working in placements;
 - i. Average hours participating in integrated community day services across all individuals participating in integrated day services;

- j. A legend or key at the bottom of the chart referencing the source documents for each of the data elements listed.
- k. The numbers of individuals receiving benefits counseling from the State.

Note: State officials report that they support the plan to secure the assistance of an expert on state data and information to improve ISA-related data gathering and reporting practices and have mentioned the need for a data-sharing agreement across BHDDH, RIDE and ORS for this express purpose. The Monitor agrees and supports the efforts of the State to collaborate on these issues.

2. For each member of the TTP and Birch Exit Target Populations who was not employed in an integrated employment setting on December 1, 2014, ever received a placement under the ISA, or is not currently employed:
 - a. Review and revise as necessary each individual's career development plan, vocational assessments and person-centered plan and strategy for securing employment and/or integrated day supports.
 - b. Review the individual's support needs and, as necessary, revise the staffing plan to ensure adequate personnel and resources are devoted to integrated placement activities, including job development.
 - c. Review the perspectives of family members with respect to employment and efforts to involve them in the process of job development, placement and individual support.
 - d. Develop a new placement plan or revise existing plans, where appropriate, with a goal of achieving a placement in an integrated employment setting within 90 days.
 - e. Report status to the Monitor on May 1, 2015.
3. ORS and BHDDH are currently working to develop and implement a plan to ensure the provision of benefits planning services to all affected target population members who have yet to access such services. The Monitor requests that the plan be provided to the Monitor within 30 days of the issuance of this report.

B. Supported Employment Services and Placements (ISA Section V)

Targeted provisions within the ISA define and describe the nature and composition of Supported Employment Services furnished to individuals with IDD by the State and PPSD.

Performance expectations, including the presumption that all individuals covered by the ISA are capable of integrated employment, are accompanied by specific operational benchmarks that must be met regarding the delivery of identified services and supports. This section additionally details a variance process for individuals in the target populations who choose not to be employed in integrated settings.

Progress

Benchmark 1 - Description of Supported Employment Services §V(A)-(D). Supported Employment Placements are defined in the ISA as consisting of services that include a wide variety of vocational and related services as well as transitional services and supports for transition age youth with IDD. Such services must be individualized and flexible, available as needed and provided in the amount, intensity and duration necessary to place and maintain the person in integrated employment. Such services must:

- Offer compensation at or above the State's minimum wage, commensurate with the wages and benefits paid by employers for similar work performed by people without disabilities.
- Enable the person to work the maximum hours consistent with her/his abilities and preferences and have access to integrated day services of sufficient amount, duration and intensity to meet their needs and preferences..
- Allow individuals with disabilities in the workplace to interact with workers without disabilities to the fullest extent possible for the individual.
- Ensure people with disabilities have the same opportunities as workers without disabilities to: access community opportunities during times when the individual is not working as often as he or she would like, be considered for promotion and advancement and perform tasks or work activities that match the person's interests, preferences and skills.

Status: The State and PPSD have defined supported employment in regulations and policies in a manner that is consistent with the ISA requirements. BHDDH references the key requirements of the ISA with respect to supported employment services in its Licensing Regulations §1.42, 1.43, 1.105 and 1.106 and in the Department's Employment First Policy. RIDE references many of the operational components of supported employment listed in the ISA in its Employment First Policy dated September 16, 2014 for students with disabilities and transition age youth, but does not specifically include the provisions listed under Benchmark 1 above.

Benchmark 2 – Implementation (§V(E)-(H)). Provisions in this section require the State to incorporate within relevant policies, rules and regulations a presumption that all individuals

covered by the ISA can work in integrated employment settings including self-employment. Such placements must be individualized and must not be made in sheltered or facility based workshops, group enclaves, mobile work crews, time limited work experiences (internships) or facility based day programs.

Status: The presumption that people with IDD and other disabilities are able to work in individual integrated jobs in regular businesses in the community along side co-workers without disabilities is included in regulations and/or departmental employment first policies for BHDDH, RIDE and PPSD. This presumption is supported by a proclamation issued by Governor Chafee on October 22, 2014 identifying Employment First and employment in integrated community settings as a policy priority across all state departments. PPSD's employment first policy has been approved by the Providence School Board. ORS reports that purpose of the agency is to furnish integrated, competitive employment at minimum wages or above and that all services provided, including plan development, have employment as the objective. The agency's statement of mission and core values when combined with specific policies ensuring individuals with IDD, including those with the most intensive needs, receive services and supports that are designed to enable them to become employed in integrated community businesses, appears to be consistent with the values and practice of Employment First.

Benchmark 3 – Supported Employment Wages and Hours §V(H) and (I). All individuals in the TTP and Birch Exit Target Populations who receive a Supported Employment Placement(s) must have: (a) the support they require to work the maximum number of hours consistent with their abilities; (b) access to integrated day services in sufficient amount, duration and intensity to complement their employment; (c) an ISP that affords them the opportunity to participate in integrated settings when they are not working during a normative 40 hour work week (consistent with the individuals' choices and preferences); and (d) access to an integrated employment setting and work averaging, across the entire population, at least 20 hours per week, as determined by a point-in-time survey.

Status: For each member of the TTP population the State gathers and reports information on the above variables including, among others, the nature of the job, individual or group placement, hours worked, hourly wages and placement history. This data can be used to assess average hours worked as well as several other key data points. As noted above, Section V(I) of the ISA requires all individuals in the two Target Populations who receive supported employment placements to be working, on average, 20 hours per week by May 1, 2014, as determined by a point in time survey. Based on monthly data reports the State met this requirement by the May deadline. It is important to note that the survey also revealed that the average hours worked per week by members of the Target Population fluctuates throughout the year with changes in seasonal employment and increases in the numbers of Target Population members who are employed who have not previously had exposure to supported employment

services. The chart on the right provides data on weekly hours worked gathered at key points during the past several months.

A separate analysis of 55 individuals employed in December 2014 focusing on longevity of employment indicated that 22 TTP Target Population members have been employed for twelve months or more, 20 individuals for six to eleven months, and 15

| Point-in-Time Survey of Hours Worked | |
|--------------------------------------|----------------------------------|
| Month/Year | Average Hours Per Week (Rounded) |
| September 2013 | 16 |
| December 2013 | 21 |
| May 2014 | 20 |
| September 2014 | 15 |
| December 2014 | 12 |

persons have been employed for five months or less. The most recent data for the TTP population indicates that individuals in supported employment are, on average, working 13 hours per week one year and nine months after the signing of the agreement.

The data being gathered by the State does not utilize a uniform data collection and reporting process, and the information is not being routinely reviewed, analyzed and reported to the Monitor on a monthly basis. The lack of a uniform data collection and reporting system across departments seriously hampers the Monitor's efforts to assess and monitor ongoing progress in implementing the terms of the ISA and makes it difficult for the State to effectively receive credit for many of the changes that it is making.

Benchmark 4 – Establishment of a Variance Process §V(J)-(K). A variance process must be established by the State to accommodate individuals who make an informed choice not to work in integrated settings, provided they meet identified criteria. All variances are re-assessed after 180 days and annually thereafter to ensure individuals have the opportunity to make an informed and meaningful choice to receive supported employment in an integrated setting and are subject to review and approval by the Monitor.

Status: The variance process was developed and provisionally approved by the Monitor in October 2014, and currently is operational for members of the target populations. The State is preparing related forms and documentation procedures governing the operation of the process. Variances may only be granted after an individual has:

- a) Participated in at least one vocational or situational assessment, as defined in Section II of the ISA;
- b) Completed one trial work experience, as defined in Section II;
- c) Received the outreach, education, and support services described in Section X; and
- d) Received a benefits counseling consultation, as described in Sections IV(8).

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The State should develop a unified data reporting format and strategy to record and report data on the ISA employment performance benchmarks. Particular attention should be paid to identifying and tracking the status of members of the Birch and TTP populations with respect to the employment outcomes identified in this section. This format should take advantage of current forms and approaches used by BHDDH, RIDE, ORS and PPSD for this purpose and be consistent with the State's approach for collecting information on the data points identified in ISA Section XVI Data Collection and Reporting and this Monitor Report as described in Section XVI below.
2. The State should participate in an external review of the data gathering and reporting strategies currently being used by the State and implement ISA recommendations. The review process needs to be open to PPSD staff, and resulting findings and recommendations will be shared with PPSD.
3. The State should submit the final version of the Variance process to the Monitor along with the Monitor Review Form and all accompanying application forms and documentation by April 30, 2015.

C. Integrated Day Services (ISA Section VI)

The ISA requires the State and PPSD to furnish to target population members community-based recreational, social, educational, cultural, athletic and other non-facility based activities of the person's choosing in integrated settings. Such services must be available during the day at times when the individual is not in school or in supported employment for the remainder of all time set forth in an individual's ISP in a 40-hour workweek, consistent with the individual's needs, preferences and choices.

Progress

Benchmark 1. Provision of Integrated, Individualized Community-based Services §VI(A)-(B).

Integrated community-based services and supports must be made available to TTP and Birch Exit Target Populations during the hours individuals are not receiving supported employment services based on a 40-hour workweek. Supports are to be provided at times and frequencies of individuals' own choosing and must not be provided in congregate centers or workshops.

Status. Members of the TTP Exit Target Population are receiving day services to enable them to access integrated community activities during times when they are not receiving employment services. Using the TTP facility as a base, "small" groups of 2 to 10 individuals, averaging about 5 persons, venture out into the community with staff to

participate in a range of activities, returning to the facility at lunch and different times during the day. Activities include attending recreational programs at the YMCA, the knitting club, art classes and programs at the North Providence Recreational Center. One individual joined a bowling league and others volunteer at the local Meals on Wheels program, the Food Bank and the Senior Center. Educational activities include attending computer classes at the local library, an English as a Second Language class sponsored by RIDE and attending adult reading and writing classes. Such day supports are identified in individual support plans but do not appear to extend throughout the day, five days per week. Service providers have expressed concerns that the service payment rates are not adequate to provide this level of support. BHDDH reports that it has been working with TTP/CWS on improving integrated day services by addressing the following barriers: rates/ratios (including incentives), capacity building, staff training and identifying a specific staff person to serve as a Community Mapper.

For Birch students, hours worked and/or engaged in integrated day activities are reviewed at weekly ISA implementation meetings and reported monthly. IEPs are reviewed annually and students are integrated according to their needs and desires. Community-based trial work, supported employment services and community activities occur daily for students and are included in transition plans and CDPs. Past Monitor's reports document the number of students and hours participating in community activities.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. Review a sample of the Individual Support Plan (ISP) or the Individual Education Plans (IEP), as appropriate, for members of the TTP and Birch Populations to ensure that a summary of the hours spent in integrated community based activities each week is included. Review integrated community activities and CDPs to assess the number of hours students are provided trial work experiences.
2. BHDDH provide technical assistance to TTP staff on support and funding strategies to reduce the numbers of individuals in "small" groups who are provided with integrated community services to no more than 4 persons.
3. BHDDH provide a short report by April 30, 2015 describing the progress it is making on resolving the funding barriers identified in Benchmark 1 above.

D. Career Development Planning (ISA Section VII)

Under the terms of the ISA, the State and PPSD must prepare policies and procedures for the development and implementation of Career Development Plans (CDP) for members of the TTP

Target Population and the Birch Exit Target Population by September 1, 2013. Policies will be based on the assumption that individuals will take an active role in the career planning process. The CDP must be revised at least annually in conjunction with the ISP or IEP person-centered planning process. The CDP will identify the individual's interests, skills, strengths and abilities and the nature and scope of services to be provided to enable the person to acquire and maintain an individual job in an integrated employment setting and participate in appropriate integrated day services.

Progress

Benchmark 1 – Implement Career Development Planning Policies and Procedures by September 1, 2013 §VII(1)-(9).

Status. Both Birch and TTP continue to work to improve the career development planning process. The current Monitor provided input to PPSD and RIDE regarding the necessary elements of career development planning forms and processes. RIDE has had a reviewed and approved CDP by the Monitor since September 2014. Training to LEAs on the CDP was initiated immediately on the signing of the agreement. RIDE, through the Regional Transition Centers (RTCs), has provided four statewide trainings to the Teachers of Life Skills (TLS) Network to introduce the components of the CDP as well as data collection tools and resources that support the implementation of the CDP. Additional technical assistance has been ongoing to individual LEAs by the RTCs and is documented in the monthly RIDE TA Training & Support Plans that is submitted to the State Coordinator.

ORS and BHDDH have collaborated on a new career development planning process for adults entering services for the first time based on the format approved by the Monitor for RIDE and the Local Education Authorities (LEA). The format was shared with several providers at the DD Supported Employment Council meeting in December and will be piloted in four agencies (Access Point, the Olean Center, Perspectives and Living Innovations) for 6 weeks. The new process has not as yet been extended to all members of the target populations. Final rollout to all agencies is scheduled for April 1, 2015. The new format will include TTP/CWS and each member of the ISA target populations and be incorporated into each individual's ISP. BHDDH and ORS, in collaboration with RIDE, will continue to work together to ensure one process and consistency in the adult system.

PPSD has improved its ability to meet this provision and is utilizing the RIDE approved CDP which was developed with the monitor's feedback. The format is comprehensive, person-centered and individualized and is designed to ensure each individual is assured an active and leading role in the CDP process. As noted above, CDPs had been written and/or updated for 58 of 77 total students (75%) with 19 utilizing the MAPS process by the end of November 2014 (Birch Submission report ending November 30, 2014). By

March 1, 2015 the percentage of students with CDPs had risen to 85% with 64 plans completed for 76 students.

The January Monthly Report for TTP indicates that all 79 individuals (100%) have career development plans on record. All plans were written collaboratively with all parties including ORS, BHDDH, the family, the student, PPSD personnel and outside vendor representation, when applicable, in alignment with ISA requirements.

Providence staff and administrators have also participated in the CDP training provided by the TLS network at RIDE. The Community Partner Liaison leads all CDP meetings and provides teams with expertise to ensure all CDPs identify the student's employment goals, the individual skill set of the student and the supports he or she needs to achieve those goals. Providence Schools is utilizing CDPs for all students with IDD throughout the District for students aged 14 and older. Providence Schools have also expanded their training this year to include all high school special educators for students with IDD so that the process is systemic and utilized throughout the District.

In summary, the State and PPSD have developed, implemented and revised CDP policies and procedures for the TTP Target Population and the Birch Exit Target Population. Career development plans of a small sample of individuals were reviewed by the Monitor and found to be consistent with the provisions of this section of the ISA. CDPs for some members of each group appear to be receiving annual updates. This will be verified during a review of a sample of members of the two protected classes to be completed by the Monitor in the Spring 2015. In September 2014, the Providence Public School Department hired a vocational rehabilitation counselor who has assisted in scheduling and developing of comprehensive career development plans.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. ORS and BHDDH provide an update to the Monitor on the status of their development of a joint policy for career development planning for the TTP Target Population.
2. The State and PPSD collaborate with the Monitor in a review of a sample of CDPs and ISPs conducted in the spring of 2015 to ensure that they meet the requirements of with ISA Section VII(4)–(9).

E. Transition Planning for Youth (ISA Section VIII)

The ISA requires the development and implementation of a comprehensive process for transitioning youth with IDD between 14 and 21 years of age from the Providence Public

Schools District to state funded adult services. Specific performance and systems change benchmarks include the following:

Progress

Benchmark 1 – Employment First Policy and Interagency Agreement §VIII(A)(1)-(2). The State and PPSD are required to adopt an Employment First Policy making integrated employment the first and priority service option for youth seeking transition work placements and for transition-age youth's postsecondary vocational planning objectives. The State and PPSD shall enter into an interagency agreement that includes timelines and specific benchmarks setting forth a school-to-work transition process for transition-age youth (14-21 years of age) with IDD in Providence Public School District, including Birch students, and providing for students' access to the services and supports set forth in Sections V(A)(1)-(2).

Status. BHDDH, RIDE and PPSD have issued clear Employment First policies. ORS' operational policies are consistent with employment first concepts. An interagency agreement addressing the provision of services and supports to transition-age youth was signed on October 1, 2013.

Benchmark 2 – Employment Planning § VIII (3)-(8). The ISA requires the development of a transition process for each student enrolled in Birch that includes the following provisions and milestones. Each transitioning youth with IDD will:

- Receive assignment to an employment planning team by age 14 years.
- Receive a comprehensive introduction to or enrollment in State services at age 16 years and, as appropriate, be able to access to all appropriate services and supports furnished by ORS and BHDDH under the Medicaid waiver program.
- Be introduced by age 18 years to options to receive supported employment services and a placement to work in an integrated employment setting before the end of his or her participation at Birch.
- Receive a person-centered career development plan.
- Receive benefits planning information by age 18 years.
- Be able to experience one or more vocational/situational assessments in integrated work settings. The state and PPSD shall issue a directive that no assessments will be conducted in segregated settings.
- Become involved in two or more trial work experiences, one of which must be of at least 60 days in length.

Status. The State has developed a comprehensive Transition Timeline detailing the specific responsibilities and requirements of RIDE, ORS and BHDDH for transitioning youth ages 14 through 21 years. PPSD employs a Transition Activity Checklist for Students with I/DD by age and grade to identify, align and track transition activities identified on the Timeline. The Timeline and Checklist reference the transition requirements referenced by the ISA. The State and PPSD report that vocational assessments are not permitted to be performed in segregated settings.

Benchmark 3 – Policy Directives (§VIII(7)-(11)). The State and PPSD will update policies and issue directives to facilitate the ability of eligible individuals with IDD to access State services at age 18 years and to ensure youth in transition “shall be provided all opportunities to earn credentials based on the RI Secondary Education Regulations 2011 and not be unnecessarily or unjustifiably excluded from the opportunity to receive a high school diploma as a result of their participation in the Birch program.”

Status. The State and PPSD ensure that appropriate services and supports are available to Birch transition-age youth who choose to work in the community prior to their 21st birthday through weekly ISA implementation meetings and reports in the State Memo. A policy directive issued via a memo from the Associate Director of the Division of Developmental Disabilities David McMahon on September 25, 2014 affirms BHDDH’s commitment to providing services as individuals with IDD transition from school to the adult system between the ages of 18 and 21 years. Students and families are provided with information by PPSD regarding the requirements that must be met to earn a high school diploma as set forth by the RI Secondary Education Regulations during IEP meetings and through written letters. This communication ensures that all students at Birch Academy are not inappropriately excluded from the opportunity to receive a diploma as a result of their participation in the Birch program.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The State and PPSD must provide a copies of the policy or practice directive, or other evidence, such as letters issued to parents to inform them that Birch youth in transition shall be provided all opportunities to earn credentials based on the RI Secondary Education Regulations 2011 and not be unnecessarily or unjustifiably excluded from the opportunity to receive a high school diploma as a result of their participation in the Birch program.

F. Training (ISA Section IX)

The ISA requires the State and PPSD to develop and implement a competency-based and value-based training program for TTP and Birch staff, members of employment planning teams and youth service professionals. The training program must address the development of vocational assessment/profiles, career development plans and transition plans; job development, job coaching, employment support, benefits counseling, supported employment, integrated day services, intake and vocational rehabilitation services; and service coordination.

Progress

Benchmark 1 – Develop and Implement the Training Program by October 1, 2013 §IX(1).

Status. The Providence Public School Department has provided to their staff inclusive of administrators, teachers, community partner liaisons (teacher assistants, job coaches, Job Developer and Vocational Rehabilitation Counselor) an array of training to improve their skills, knowledge and development to be able to provide their students with the necessary programming and instruction needed to achieve their post-secondary goals. PPSD has provided trainings from the Technical Assistance and Continuing Education Center (TACE), the TLS Network, RIDE, the Sherlock Center, the RI Developmental Disabilities Council and through BHDDH's technical assistance contract. The State Coordinator, the Sherlock Center, RIDE, ORS and BHDDH developed competencies and a plan for training. RIDE has provided a training and technical assistance calendar identifying completed and upcoming trainings. These training sessions addressed job development, job coaching, transition services, supported employment services, vocational assessment, job development and career development planning to name a of few. Additional trainings have included topics on inclusion and collaborative teaching, IEP development, and and the special education process.

PPSD has provided a significant number of training opportunities to staff. It does not appear, however, that PPSD has developed explicit professional competencies that must be demonstrated by staff following the training they receive to show that they have learned the task or understand the material well enough to be assessed as "competent." A competency based training program should include the criteria by which the learner will be determined to be competent in the application of the skills or concepts being taught.² Over the past year several training opportunities have been provided to service providers and educators by the Sherlock Center BHDDH's technical assistance contractor, RIDE and others.

² Curricula for the various components of competency-based values-based training program have been developed for the Consent Decree and the program has received provisional approval by the Monitor. The State is working with the Sherlock Center at Rhode Island College to implement the program. Although not specifically developed to respond to provisions of the ISA, PPSD staff may find this information helpful as reference material.

Benchmark 2 – The State and PPSD Will Ensure the Provision of Necessary Training §IX(2).

Training is required to be provided to all persons involved in the discovery and assessment process, the preparation and implementation of career development plans and the provision of Supported Employment and Integrated Day Services for members of the Target Populations.

Status. All teachers and Teacher Assistants are certified by the State of Rhode Island assuring a basic level of training and competence. PPSD documents the training provided to school staff in the Staff Development section of its quarterly report. The extent to which “all persons” involved in discovery, assessment, supported employment and other activities are being provided with necessary training is less clear, however.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. PPSD should provide the Monitor with information on the performance competencies established in its competency-based values based training program.
2. The State should adopt a uniform methodology for tracking provider staff qualifications and training received statewide within 90 days.

G. Outreach, Education and Support (ISA Section X)

The State and PPSD must develop by September 1, 2013 an outreach, in-reach and education program explaining the benefits of supported employment and designed to encourage individuals with IDD at TTP and Birch and their families to seek Supported Employment Services.

Progress

Benchmark 1 – Targeted Training §X(1). The ISA requires the State to develop an out-reach, in-reach and education program addressing the State’s Employment First Policy, benefits planning, strategies for combining integrated day services with employment in integrated settings and others.

Status: This provision was reported as being met by the Monitor’s report dated 11/20/2013. Parent engagement and involvement is a priority of the Providence Public School Department and an important part of their Strategic Plan. PPSD reports that outreach and in-reach education is taking place on an ongoing basis. Parents and families were first extremely skeptical and afraid for the transition and changes to the program and the move to a large comprehensive high school. Parents were concerned

with safety issues as well as fearful of what was to come and believed that information regarding the ISA and the investigation was not clear.

PPSD developed a communication plan that affords families with ongoing access and conversation with the Special Education Director and the new Student Services Coordinator at Mt Pleasant regarding the ISA and upcoming changes. Additionally, Superintendent Lusi held an informational parent meeting in August of 2013 to provide clear communication regarding the implementation of ISA-related changes to enable parents and families to prepare their child for any and all transitions or changes to their child's program. A frequently asked questions (FAQ) brochure and dedicated phone line were also made available for parents to access information. In January of 2014, Providence Mayor Angel Taveras held a meeting with parents to address concerns and provide support regarding the implementation of the department's plans and goals. In May of 2014, the previous federal court monitor held a meeting with parents to review the provisions of the ISA and answer all questions. The parents expressed appreciation for the open communication with the Mayor, the Superintendent, the Special Education Director and the Coordinator. It enabled them to voice their fears and concerns and work together to problem solve issues. As a result of this open communication PPSD reports that parents are very supportive of the work of the ISA and believe their children are part of a high school experience that now prepares them to successfully transition to employment and achieve their post-secondary goals.

ORS and BHDDH developed an outreach and in-reach education plan and submitted it to the Employment First Task Force for review and input.

Benchmark 2 – Observing integrated employment §X(1). The program will provide the opportunity for individuals in the Target Populations to visit and observe integrated employment and day settings where individuals with IDD receive Supported Employment and Integrated Day Services.

Status: The benchmark was reported as being met in the previous Monitor's report dated 11/20/2013. The State reports that members of the target populations continue to receive opportunities to observe and visit integrated employment settings during assessments, trial work experiences and other opportunities.

Benchmark 3 – Networking §X(2). The State will support personal networks, family-to-family and peer-to-peer to link individuals with IDD and their families to individuals with IDD in the Birch and TTP populations.

Status: The State has supported family-to-family and peer-to-peer networks through formal contracts between BHDDH and Advocates in Action and the Rhode Island Parent Information Network (RIPIN). Informal support has been provided to family and advocate networks by TTP through regularly scheduled meetings for individuals who

are working with peers and families in collaboration with Advocates in Action and family groups. Birch supports family-to-family collaboration through regular meetings and through the IEP process.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. BHDDH provide information and data documenting (a) visits to integrated employment sites and (b) family and peer-to-peer networks currently receiving support within 90 days.

H. Provider Capacity (ISA Section XI)

The State and PPSD have agreed, “to ensure that sufficient capacity exists among State IDD provider organizations to deliver supported employment and integrated day services to individuals at TTP and Birch, consistent with the terms of the ISA.”

Progress

Benchmark 1 – Provider Capacity §XI(1) and (3). The State will establish, implement and enforce pre-qualification requirements for all Supported Employment and Integrated Day Services providers offering services to individuals at TTP and Birch. Supported employment providers will develop relationships with employers to identify and promote integrated employment placements in state and federal agencies and in private industry.

Status: The Monitor cannot evaluate progress on this provision because provider prequalification requirements have not been furnished to the Monitor.

Benchmark 2 – Provider Staff Qualifications §XI(2). The State will ensure that providers have a sufficient array of trained and supervised staff, adequate supervision and related policies and procedures necessary to furnish supported employment and integrated day supports to TTP and Birch populations.

Status: The State has assured the Monitor that TTP and Birch have a sufficient numbers of qualified staff to provide needed employment and transition services. TTP maintains a list of staff and their qualifications. PPSD tracks professional development activities at Birch.

Benchmark 3 – Incentives through Public-Private Partnerships §XI(4),(7). The ISA requires the State to create incentives to encourage the transition of individuals from TTP and Birch to integrated employment settings. Such incentives are to be implemented through public-private

partnerships with persons with I/DD, family members, employers, employment providers and community organizations.

Status: ORS and BHHD have agreed to improve their ability to sequence funding. ORS has a fee structure that builds in incentives for quality employment outcomes. ORS and BHDDH are working to crosswalk their fee schedules. However, there appears to be some confusion regarding the nature of incentives to be used and the ways to use them. This will be addressed in discussions with PPSD and the State and referenced in subsequent reports. ORS maintains that incentives are included in its supported employment fee schedule, but it has not furnished sufficient description to the Monitor to explain or confirm their operation.

Staff and administrators at TTP and Birch are working with private employers to expand employment opportunities and placements for TTP and Birch populations. PPSD reports that the department has worked and connected with over 29 private employers to support their students in community based supported employment services, including job trials and career exploration activities. During the past year, employers such as TJMaxx/Marshalls, CVS, Petco, Savers, Walmart, Chili's Restaurant, Classic Restaurant, Providence Police Department, Capital Police and Smith Hill Day Care Center have assisted students in areas of interest such as culinary, child care, retail, law enforcement, health and animal care. Additionally, the Miriam Hospital partners with PPSD in Providence's first Project Search Program, where students build career development skills necessary to achieve their goals.

On June 27, 2014 the State held the *New England Workplace Inclusion and Equality Summit: People with Disabilities Reaching Competitive Employment* at Rhode Island College, which was designed to bring together national and local business leaders, federal contractors, individuals with disabilities and their guests, government delegates, provider representatives and community partners from nine states – Rhode Island, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York and Vermont – to share best practices, identify barriers to hiring individuals with disabilities, propose meaningful recommendations for overcoming such barriers and make real commitments to employing individuals with disabilities. The Summit provided the opportunity for federal contractors to create linkage agreements with schools, service provider agencies and government officials. Summit participants worked together to describe: hurdles (to achieving employment outcomes) experienced by businesses; hurdles experienced by service providers, government representatives and educators; innovative solutions to the identified hurdles; and next steps.³ Attendees heard presentations and comments from Proctor & Gamble that its employee turnover rate declined by 90% after the facility decided to hire a significant number of people with intellectual and developmental

³ For a copy of the full Summit Report, see https://www.usbln.org/pdf-docs/USBLN_New_England_Workplace_Inclusion_Summit_Report_02-02-15.pdf

disabilities. They heard from Walgreens that some of the company's most productive facilities are those that hire a significant number of people with disabilities.

Additionally, participants learned about a change in morale at stores like CVS and the positive impact of disability inclusion on morale from employers ranging from a small automotive shop to large retailers like the TJX Companies.

Benchmark 4 – Quality Assurance §XI(5). The State will provide ongoing review, oversight and technical assistance to ensure supported employment providers: (a) have adequate staffing, organizational support and supervision, (b) use effective business models to meet the goals and outcomes of the ISA, (c) provide incentives and support to qualified providers of sheltered workshop services at TTP to convert their sheltered employment programs to integrated employment options.

Status: BHDDH prepared a Quality Management and Improvement Strategy, but the focus of the plan appears to be largely directed at the Consent Decree rather than the ISA. BHDDH reports that the department has provided informal quality assurance to TTP/CWS since then through the department's policy unit and that ORS and BHDDH intend to create a Quality Assurance Team to integrate quality assurance plans.

General information was furnished on the types of training offered and staff qualifications but no information was provided on the approaches BHDDH and ORS will take to monitor quality or to ensure TTP: (a) has adequate staffing, organizational support and supervision, (b) uses effective business models to meet the goals and outcomes of the ISA, or (c) provides incentives and support to qualified providers of sheltered workshop services at TTP to convert their sheltered employment programs to integrated employment options.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. Pre-qualification requirements for TTP and all other providers serving the TTP and Birch Target populations should be sent by the State to the Monitor within 90 days.
2. BHDDH and ORS provide to the Monitor within 90 days a description of their joint QA Team referenced above and the process used to assess: (a) adequate staffing, organizational support and supervision, (b) use of effective business models to meet the goals and outcomes of the ISA, (c) provision of incentives and support to qualified providers of sheltered workshop services at TTP to convert their sheltered employment programs to integrated employment options.
3. There appears to be some lack of clarity concerning the meaning and use of incentives. The Monitor recommends that ORS, BHDDH and PPSD participate with the Monitor in

a discussion of the nature and use of incentives to reward or support providers' efforts to convert sheltered workshops and segregated services to integrated employment alternatives as required by this section. This discussion will include relevant individuals and entities with expertise and will address the use of public-private partnerships to implement those incentives within 120 days.

4. The State provide a copy of the most recent provider quality assurance report it has completed for TTP addressing the benchmarks noted above within 90 days.

I. State Agency Actions (ISA Section XII)

Progress

Benchmark 1 – Contract with a Technical Assistance Provider §XII(1)(2). The State and PPSD must contract with new or existing technical assistance providers to furnish needed training and technical assistance to staff from the State, PPSD, TTP and Birch to plan and provide day services and transition programs from sheltered workshops to integrated employment opportunities.

Status: BHDDH issued a request for proposals and awarded a contract to furnish training and technical assistance. Training has been provided over the past year and nine months. In January 2015 the contract was not renewed and the state is in the process of securing additional technical assistance providers.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The State and PPSD provide the Monitor with an update of the current efforts to secure required technical assistance as required by the ISA and to collaborate with PPSD in the provision of needed technical assistance.

J. Interagency Collaboration (ISA Section XIII)

The State is required to develop and implement one or more interagency agreements between BHDDH, RIDE and ORS and with PPSD to implement the ISA.

Progress

Benchmark 1 – Agreements between state agencies: BHDDH, RIDE and ORS §XIII(1). Agreements will address:

- The allocation and coordination of shared responsibility and authority among the departments to ensure the provision of career and transition planning, outreach, in-reach, education, data collection, professional development and other shared responsibilities.
- The coordination and sequencing (braiding and blending) of funding among the departments to prevent gaps or interruptions in service delivery and facilitate transition from one funding stream to the next.
- Tailor employment assessment and placement activities between departments to serve individuals from TTP and Birch with the most significant disabilities.

Status: The Interagency Agreement was signed with an effective date of July 11, 2013 addressing the three areas identified above.

Benchmark 2 – Agreements between the State and PPSD §XIII(2). Agreements will address:

- Funding of school to work and adult service transition and the costs of the Monitor.
- Require ORS presence at Birch in order to collaboratively implement the Employment First Policy and related initiatives and promote the presence and active engagement of vocational rehabilitation counselors on Birch employment planning teams and in planning meetings (including IEP meetings);
- Ensure the engagement of trained school transition specialists to assess and support students in transition to integrated supported employment;
- Require Birch special education staff and transition specialists to be trained to refocus transition services on supported employment instead of sheltered workshops, and to train special education directors and transition specialists on the requirements of the integration mandate of Title II of the ADA and *Olmstead* as applied to the youth transition planning process;
- Establish referral relationships with integrated, supported employment providers in Birch's immediate service area; and
- Adopt mutual agency policies and procedures to ensure that the requirements of the integration mandate of Title II of the ADA and *Olmstead* are applied to the youth transition planning process including to situational work assessments, trial work experiences, post-secondary employment goals and outcomes and ongoing professional development.

Status: The signed Interagency Agreement addresses each of the provisions identified in the ISA. The agreement has not been revised to reflect the change of Monitors. The State and PPSD appear to be meeting the general provisions of the Interagency Agreement. Progress

on implementing the ISA, which is fully incorporated within the scope of the Interagency Agreement, is described in the sections of this report.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. This provision has been met.

K. Funding (ISA Section XIV)

Under the terms of the ISA, the State and PPSD must fund the services and supports necessary to comply with the Interim Settlement Agreement for all eligible members of the TTP and Birch Target Populations according to the standards and timelines set forth in the Interim Agreement.

Progress

Benchmark 1 – Ongoing Funding Allocations §XIV(1)-(2). The State and the PPSD will ensure that individuals in the TTP and Birch Target Populations with a career development plans receive ongoing funding allocations to support them in gaining, maintaining and/or improving employment outcomes and for participating in integrated day services.

Status: Individuals in the Target Populations are receiving ongoing funding as needed.

Benchmark 2 – Performance Based Contracts §XIV(3). The State shall develop and implement performance-based provider contracts for the provision of supported employment services to individuals in the Target Populations, linking funding to the provider's achievement of numerical targets and implementation timelines.

Status: The State's contract with TTP identifies a scope of work that includes tasks to be performed with respect to: fiscal management and oversight, hiring and training staff, benefits counseling, assessment and evaluation, individualized service planning, supported employment services and a number of additional areas that are also identified by the ISA. The contract does not, however, incorporate provisions that are generally associated with "performance based contracting." Such provisions include: (a) a clear set of outcomes, performance benchmarks or deliverables for each of the specific provisions listed in the Scope of Work in terms of numbers of staff trained, numbers of individuals placed, numbers of ISPs and benefits plans written, etc.; (b) a description of the measures to be used to assess performance against the required outcomes; (c) contract language linking the achievement of outcomes or performance benchmarks with funding rates or levels of reimbursement and (d) methods of performance evaluation. It is recommended that the state consider including these provisions in its contract with TTP.

Benchmark 3 – Funding Post Placement Follow-along Supports §XIV(4). Funding furnished by the State to TTP for supported employment will continue to be available to each individual following placement to provide ongoing support as needed.

Status: Funding continues to be available for individuals receiving support from TTP following placement. BHDDH provides job coaching and job retention services to all individuals in the protected populations who are eligible for BHDDH funded services.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following step be taken to meet the terms of the ISA:

1. The State consider reviewing the current contract with TTP to improve consistency with a performance-based model or approach.

L. Quality Improvement (ISA Section XV)

The State, for TTP Target Populations, and the State and PPSD for Birch Transition and Exit Populations are required to develop and implement quality improvement (QI) initiatives for each population.

Progress

Benchmark 1 – TTP QI Program §XV(1). The State will develop and implement a quality assurance initiative to ensure individual, integrated supported employment placements and services and integrated day services as defined and described in Section V of the ISA are: (a) developed and provided in accordance with the ISA, (b) evaluated to ensure quality and quantity, (c) adequate and sufficient to enable people receiving support adequate to achieve integration, increased independence and increased economic self-sufficiency.

Status: The State reports that a Quality Improvement Program for TTP will be developed by the joint BHDDH-ORS QA Team. It is clear, however, that BHDDH has implemented a quality assurance initiative at TTP during the past two years that has included a review of the program's needs based on the ISA, mutually-identified deficiencies and state agency enforcement.

In July 2013, BHDDH hired a full-time staff member within its Quality Improvement unit, specifically tasked with overseeing implementation of the ISA. From July 2013-January 2014, the state held standing weekly case-management meetings with BHDDH social caseworkers, social caseworker supervisors, relevant BHDDH administrators, ORS caseworker supervisors, relevant ORS administrators, TTP staff and administrators and, as needed, representatives from RIDE and PPSD. The case-management meetings focused on barriers confronted by specific members of the TTP target population and the

early identification of problematic trends. Outcomes of the ISA case-management meetings include, but are not limited to, person-centered in-reach, outreach and education strategies for members of the protected class, adjustments to individual funding levels and stronger coordination of services across BHDDH, ORS and TTP. BHDDH engaged in weekly site visits for the first three months of the ISA and bi-weekly site visits for the following three months. The state frequently held meetings at the provider's location in order to have a regular on-site presence.

In October 2013, BHDDH's QI unit engaged in an unscheduled records review to corroborate ISA data it received from TTP and, as a result, made alterations to its reporting requirements. In January 2014, the state agencies moved to bi-weekly case-management meetings and bi-weekly state agency ISA policy meetings. The ISA Coordinator met frequently with TTP administration and staff to oversee and ensure on-time closing of the TTP sheltered workshop in accordance with the ISA. In April 2014 (approximately), ORS began monthly on-site case-management meetings with TTP staff. A BHDDH Deputy Administrator continues to oversee ISA implementation and engage in gaps analysis, and is currently working with TTP to expand community-based and integrated day services. The state's quality improvement has resulted in changes to TTP leadership, interagency and intra-agency practices and policies, corrective action plans and more effective administration of the ISA.

Benchmark 2 – Program Standards §XV(1)(a)-(b). Development of supported employment and integrated day service program standards that incorporate provisions of ISA Sections V and VI by the State for TTP service recipients.

Status: Evidence that program standards have been developed has not been furnished to the Monitor, but it appears clear that BHDDH is using the ISA requirements as a guide to perform oversight and program monitoring as a part of its quality initiative at TTP.

Benchmark 3 – Quarterly On-site Reviews §XV(1)(c)-(e). The State shall conduct quarterly on-site reviews of TTP and will issue reports identifying program deficiencies and, if necessary, a plan of correction. Follow-up reviews will be conducted to ensure identified deficiencies have been corrected and reports will be issued documenting the results of follow-up reviews.

Status: During the past several months BHDDH's Quality Improvement unit has conducted several reviews of TTP programs, services, including individual ISPs of Target Group members. As described above program quality reviews included weekly meetings with case managers from July 2013 to January 2014. Weekly on-site visits occurred during the first three months of the ISA, moving to bi-weekly on-site visits during the subsequent three months. In January 2014, the state agencies moved to bi-weekly case-management meetings and bi-weekly state agency ISA policy meetings. Formal reviews are being conducted more frequently than required, but documentation

needs to be improved and organized within the framework outlined by Section XV of the ISA that includes: (a) on-site review schedule, (b) on-site review reports or findings, (c) follow-up actions required of TTP, or (d) follow-up reviews documenting that required actions were taken by TTP.

Benchmark 4 – Birch Transition and Exit Target Population QI Program §XV(2)(a)-(b). The State and PPSD will develop and implement a quality assurance initiative to ensure individual, integrated supported employment placements and services and integrated day services as defined and described in sections V–VI are: (a) developed and provided in accordance with the ISA, (b) evaluated to ensure quality and quantity, (c) adequate and sufficient to enable people receiving support adequate to achieve integration, increased independence and increased economic self sufficiency.

Status: PPSD reviews and analyzes information to determine the extent to which services are being provided in accordance with the provisions outlined in Section XV(2)(a)-(b). Monitoring activities are being carried out consistent with the ISA, although they do not appear to be organized within the framework of a discreet Quality Assurance Initiative or program as described in this section. Capturing the totality of the quality management activities that are currently being conducted may improve the ability of the State and PPSD to track and report on progress for members of the Birch Target Group, consistent with the terms of the Agreement. The Monitor will work with RIDE and PPSD on meeting the terms of this provision as described below.

Benchmark 5 – Program Standards §XV(2)(a)-(b). Development of supported employment and integrated day service program standards that incorporate provisions of Sections V, VII and VIII by the State and PPSD for Birch students.

Status: The State and PPSD appear to be using the ISA provisions for supported employment and integrated day services as the standards against which progress is measured. This approach does meet the requirements of this section.

Benchmark 6 – Quarterly On-site Reviews §XV(2)(c)-(e). The State shall conduct quarterly on-site reviews of Birch and will issue reports identifying program deficiencies and, if necessary, a plan of correction. Follow-up reviews will be conducted to ensure identified deficiencies have been corrected, and reports will be issued documenting the results of follow-up reviews.

Status: RIDE began monthly monitoring of Mount Pleasant School in September 2013 through August 2014. On-site monitoring visits occurred on the following dates: 9/19/2013, 10/17/2013, 11/14/2013, 12/19/2013 and 1/23/2014. The February on-site visit was canceled due to snow closures and school vacation. No on-site visits were made on 3/20/2014 or 4/1/2014 but phone check-ins were conducted. No on-site visits occurred on 5/28/2014 or 6/1/2014 because the school year ended on 7/23/2014. Per the State Coordinator, quarterly monitoring began in October 2014 and was completed on

10/9/2014. Upcoming quarterly monitoring visits are scheduled for April 9, 2015 and July 9, 2015. All on-site monitoring reports have been submitted to the State Coordinator. However, information was not provided on the findings or results of the reviews that were conducted follow up actions required of Birch, or follow-up reviews that were conducted documenting that required corrective actions had been taken.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The Monitor will work with PPSD to ensure the documentation of Quality Assurance programs and activities as required by the ISA by June 1, 2015.
2. The State, for TTP, and PPSD and the State for Birch, provide documentation of:
 - a. Program standards for services furnished to TTP and Birch populations as described in sections V-VIII of the ISA.
 - b. Schedules for conducting quarterly QI reviews for TTP in 2015, including a record of the dates of reviews conducted during 2014.
 - c. Copies of reports issued for each review conducted during 2014 including on-site review reports and findings, follow-up actions required and reports of follow-up reviews that took place documenting that required actions were taken by TTP and by Birch.

M. Data Collection and Reporting (ISA Section XVI)

The State and PPSD agreed to each collect and analyze relevant data and quality improvement activities in order to monitor the monthly implementation of the ISA.

Progress

Benchmark 1 – Data to be Collected and Reported §XVI(1)-(3). The State and PPSD agreed to collect unduplicated data on individuals with IDD in the Target Populations and report on a monthly basis for the first year of the ISA (June 14, 2013 – June 13, 2014) and quarterly thereafter. The first quarterly report period began on June 14, 2014.

The chart below lists the required data points, the form or manner of collection, frequency of reporting and the status in terms of numbers of individuals, hours, items, etc. on December 1, 2014.

- a. The number of career development plans in place for members of the Target Populations;
- b. The number and reason for any readmissions to the TTP and Birch sheltered workshops;
- c. The number of individuals moving from TTP or Birch to another sheltered workshop setting, center-based day services setting, group enclave, mobile work crew, time-limited work experience (internship), or facility-based day program, or other segregated setting, the reasons for such moves and the number of variances granted;
- d. The number, hours worked, wages earned, age and tenure of all individuals at TTP and Birch;
- e. The number of individuals referred to and receiving Supported Employment Services as defined in Sections V.(A)-(C), and from which setting, TTP or Birch, they have been referred;
- f. The number of individuals working in Supported Employment Placements as defined in Section V.(D)-(E);
- g. The number of hours worked per week, hourly wages paid and tenure of all members of the Target Populations in an integrated employment setting, excluding any of the service settings set forth in Section V(K);
- h. The number of hours spent per week and tenure of all individuals in the Target Populations receiving integrated day services, including the name of that service setting, the provider of Integrated Day Services and the specific activity(ies) being performed (e.g., art classes, health club, etc.);
- i. The number and reason(s) for lost jobs and/or terminations from employment along with plans for re-employment;
- j. The number of youth in transition at Birch who have vocational objectives;
- k. The number of youth in transition at Birch exiting or graduating, or otherwise expected to exit or graduate this year, their career planning goals and where they transition to following their exit;
- l. The number and client capacity of supported employment providers providing services to the Target Population;

- m. The number and client capacity of integrated day providers providing services to the Target Population;
- n. The number of qualified and trained individuals for each category of supported employment professionals, including job coaches, job developers, employment specialists and benefits counselors providing services to the Target Population;
- o. The number of qualified and trained individuals who develop assessments and transition plans for youth with I/DD at Birch and who participate on employment teams;
- p. The number of qualified and trained vocational counselors who assess and assist persons with I/DD for Supported Employment Services at TTP and at Birch; and
- q. The number of in-reach, out-reach and education programs and efforts offered to the Target Population(s).

Status: Data is being gathered and reported by the State for TTP individuals and the State and PPSD for Birch individuals, for the majority of data points listed at a-q identified above in formats that were approved by the previous Monitor. The current Monitor is working with the State, PPSD and US DOJ to improve and simplify data tracking and summary tables to make it easier to determine and report on month-to-month changes of the employment status of the three ISA populations.

Benchmark 2 – Data Collection, Analysis and Monitoring §XVI(3). The State will regularly collect, aggregate and analyze data described above and will:

- Identify problems or barriers to placement in or retaining jobs in individual, integrated employment settings.
- Recommend to the Directors of BHDDH, RIDE and ORS remedial actions to resolve the problems or barriers.
- Review this information on a monthly basis for the first year of this Interim Agreement and quarterly thereafter and develop and implement effective measures to overcome the problems and barriers identified.
- Analyze service data, monitor services and service gaps, report on any service gaps and identify and address any obstacles to the implementation of the goals and outcomes of the Interim Agreement.

Status: Data is being gathered and reported by the State and PPSD. PPSD reviews the information and analyzes the data on an ongoing basis and once to twice each month in

administrative meetings with Mt. Pleasant High School. Data is reviewed with teachers during planning times, and work plans are developed to identify gaps and improve outcomes and results.

The State continues to collect data on the services and supports furnished to individuals at TTP but the aggregation and analysis of the information for the purpose of improving service delivery, removing barriers and improving outcomes has not been performed during recent months. The State has identified this as an issue and is working to improve its performance in this area.

Achieving Progress on Meeting the Terms of the ISA

The Monitor recommends that the following steps be taken to meet the terms of the ISA:

1. The State provide the Monitor with (a) evidence of policies or practices used to regularly review, analyze and monitor data listed in section XVI(2)(a)-(q) above for the purpose of identifying barriers related to job placements and job retention in integrated employment settings and (b) recommendations that have been made to the directors of BHDDH, RIDE and ORS regarding remedial actions to remove identified barriers within 90 days.
2. The State for the TTP population, and the State and PPSD, for the Birch populations, collaborate with the Monitor on a comprehensive review of the data systems currently being used by BHDDH, ORS, RIDE and PPSD to document progress under the ISA scheduled to occur in the Spring 2015.
3. The State and PPSD collaborate in the development of an efficient and effective reporting format and strategy for the state, PPSD and the DD provider organizations to use to gather data relevant to the ISA and report necessary information to the Monitor, DOJ and the Court and across departments.

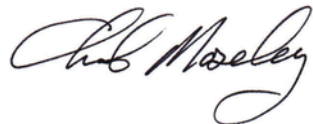
VI. Conclusion

Under the terms of the ISA, the State and PPSD agreed to implement significant changes in the structure and functioning of the state's vocational training and employment support services for individuals with IDD attending the Birch and TTP programs. The ISA includes a detailed series of policy and regulatory changes, operational objectives and performance benchmarks that must be met by each of the three State departments (BHDDH, ORS and RIDE) and the Providence Public Schools Department to comply with terms of the agreement. Furthermore, the Agreement identifies specific employment placement outcomes that the State and PPSD must achieve with respect to each and every member of the target populations.

The State and PPSD acted quickly following entry of the Settlement Agreement to close sheltered workshop programs at Birch and TTP and to shift the focus of service delivery to supported employment and integrated day, educational and vocational services (see above Section IV Chronology of Change at TTP and Birch and Impact on Individuals). Significant and substantive changes have been made in a relatively short time period, and, as is documented by this report, important new opportunities are now available to individuals with IDD in the three target populations that had heretofore never existed.

The current review revealed areas that should be addressed to improve the ability of the State to track the many individual and system changes that are being made as a result of the ISA. For example, the State's three departments, BHDDH, ORS and RIDE, have yet to establish effective and efficient methods for gathering, analyzing and reporting individual and service related data on the ISA outcomes identified at Section XVI(2)(a)-(q) and elsewhere in the Agreement. The lack of compatible data reporting formats across departments presents challenges to the aggregation and analysis of data necessary to assess performance against the ISA benchmarks, identify emerging service trends, and develop new approaches for removing old barriers (consistent with Section XIV(3)(a)-(b)). The lack of easily accessible data also makes it very difficult for the State and PPSD to claim full credit for numerous changes being made to comply with the terms and conditions of the ISA. State officials acknowledge the data issues and have agreed with the need to improve data gathering, reporting and analysis capabilities and to participate with the Monitor, a subject matter expert, and other key stakeholders to review the strengths and needs of the current data management system and take steps toward improving efficiency and effectiveness. The State and PPSD are making clear progress in meeting the outcomes and performance benchmarks of the ISA. Leaders of the state departments including BHDDH, ORS and RIDE, and of the Providence Public Schools Department, have clearly communicated their support and commitment to making the changes necessary to fully implement the provisions and requirements of the ISA.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Charles Moseley". The signature is fluid and cursive, with a large, stylized initial "C".

Charles Moseley Ed.D.
March 30, 2015